

MEETING
NAVAL WEAPONS STATION
SEAL BEACH DETACHMENT CONCORD
RESTORATION ADVISORY BOARD

AMBROSE COMMUNITY CENTER
3105 WILLOW PASS ROAD
PITTSBURG, CALIFORNIA

MONDAY, OCTOBER 7, 2002

7:10 P.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

A P P E A R A N C E S

ADVISORY BOARD MEMBERS

Marcus O'Connell, Community Co-Chairperson

Theresa Morley, Naval Co-Chairperson

David Baillie, Environmental Director, United States Navy

Evelyn Freitas, Concord Resident

David Griffith, City of Concord

Mary Louise Williams, Concord Resident

Ed McGee, Martinez Resident

Laurent Meillier, Regional Water Quality Control Board

Raymond O'Brien, Bay Point Resident

Philip Ramsey, EPA Remedial Project Manager

Patricia Ryan, Department of Toxic Substances Control

Gil Rivera, Environmental Engineer, United States Navy

Tony Tactay, EFA West, United States Navy

ALSO PRESENT

Claudette Altamirano, Weston

Amado Andal, Weston

Joanna Cenepa, Tetra Tech

Judy Clayton, Concord Resident

Cynthia Flemming, United States Navy

James Forsberg, Director of Planning and Economic

Development, City of Concord

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ALSO PRESENT (continued)

Tom Freitas, Concord Resident

Laura Hoffmeister, Concord City Council

Carolyn Hunter, Tetra Tech

Tom Pinard, Public Affairs, United States Navy

Jim Pinasco, Department of Toxic Substances Control

Cindy Rose, Tetra Tech

Igor Skaredoff, Resident, RAB Applicant

Greg Smith, Public Affairs Officer, United States Navy

Gay Tanasescu, Bay Point resident

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1 P R O C E E D I N G S

2 COMMUNITY CO-CHAIRPERSON O'CONNELL: We'll call
3 this meeting to order. This is the Restoration Advisory
4 Board. This is our first meeting at this place, and so what
5 we usually do the first time or at the beginning of each
6 meeting is go around and introduce ourselves. And I guess
7 what we should do is start with Gil here and then we'll move
8 down and come around.

9 Do you want to start, Gil?

10 ADVISORY BOARD MEMBER RIVERA: Yes. I'm Gil
11 Rivera, the Navy Remedial Project Manager.

12 ADVISORY BOARD MEMBER RAMSEY: Good evening.
13 Philip Ramsey. I'm with the United States Environmental
14 Protection Agency.

15 ADVISORY BOARD MEMBER TANASESCU: Gay Tanasescu,
16 Bay Point resident.

17 ADVISORY BOARD MEMBER MCGEE: Ed McGee, Martinez
18 resident.

19 NAVAL CO-CHAIRPERSON MORLEY: Theresa Morley, Navy
20 Co-Chair.

21 COMMUNITY CO-CHAIRPERSON O'CONNELL: Marcus
22 O'Connell, Community Co-Chair.

23 ADVISORY BOARD MEMBER FREITAS: Evelyn Freitas,
24 Concord resident.

25 ADVISORY BOARD MEMBER WILLIAMS: Mary Lou

1 Williams, Concord resident.

2 MS. FLEMMING: Cynthia Flemming, Navy.

3 MR. ANDAL: Amado Andal, Western contractor.

4 MR SMITH: Greg Smith, Public Affairs Officer for
5 Naval Weapons Station, Seal Beach.

6 ADVISORY BOARD MEMBER O'BRIEN: Ray O'Brien, Bay
7 Point resident.

8 MS. CENEPa: Joanna Cenepa with Tetra Tech. We're
9 an environmental contractor for the Navy.

10 MS. ALTAMIRANO: Claudette Altamirano with Weston.

11 MR. FREITAS: Tom Freitas, Concord resident.

12 MS. CLAYTON: Judy Clayton, Concord resident.

13 MR. PINARD: Tom Pinard, US Navy, Public Affairs.

14 MS. HUNTER: Carolyn Hunter, Tetra Tech.

15 COMMUNITY CO-CHAIRPERSON O'CONNELL: With that, I
16 think we've all introduced ourselves. I'll call for public
17 comment at this point, and this is basically for anything
18 that's not on tonight's agenda.

19 Mary Lou?

20 ADVISORY BOARD MEMBER WILLIAMS: Mary Lou
21 Williams. I'm asking that we be updated on the status of
22 the two members that have applied for the RAB membership --
23 I'm sorry, they're not members yet -- Mario Mancini, he
24 planned to be here tonight to be available for any
25 questions, but his wife has just had a hip replacement and

1 he cannot leave her. He's very sorry about that. And Igor
2 whatever. Igor, you're not here yet.

3 But, you know, the applications are hanging
4 somewhere out there, and I'd like to know are we appointing
5 them or are we not and where are we going.

6 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, at this
7 point, we have no mechanism to appoint anybody, so we're
8 kind of without a mechanism.

9 ADVISORY BOARD MEMBER WILLIAMS: Well, if we don't
10 have a mechanism through the bylaws, then are we still
11 operating under the Navy making the appointments? I mean,
12 these people have shown the interest, and I think we've got
13 to settle it.

14 COMMUNITY CO-CHAIRPERSON O'CONNELL: I agree. I
15 mean, I know both individuals personally and they're good
16 people. And I don't like to see them hanging. On the other
17 hand, we have certain constraints that are upon us, in terms
18 of getting diversity on this committee. And if we just add
19 people as they just come in the door, we're very likely to
20 ignore communities like Bay Point, for which we have no one
21 here; Clyde, for which we have no one here; and other
22 constituencies.

23 So we need to be careful of that, and --

24 ADVISORY BOARD MEMBER FREITAS: Excuse me, you do
25 have two people on Bay Point. You have Gay and you have --

1 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well,
2 actually, you're right. I thinking of the community that's
3 right up against the weapons station down there where you
4 wanted to recruit people, and so it's that type of thing,
5 trying to get a diversity.

6 We have the bylaws on the agenda this evening, so
7 hopefully we'll be able to take care of that and maybe
8 establish membership --

9 ADVISORY BOARD MEMBER WILLIAMS: Well, I have
10 questions on the bylaws also, but Mario lives in Walnut
11 Creek. So there is diversity from there, and we're all
12 taxpayers for the East Bay Municipal or the Regional Park
13 District. So, you know, let's do something before they get
14 involved in something else.

15 ADVISORY BOARD MEMBER FREITAS: It's going to take
16 a while for us to -- for these RAB bylaws to be approved.
17 And I'd like to make a motion as a RAB committee, as we've
18 been meeting, that these two be accepted for approval.
19 We've seen their applications, the Navy has seen their
20 applications, and I think they should be approved as of this
21 evening and not waiting for bylaws. It's going to take us a
22 while to go through these bylaws.

23 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, we
24 technically can't take a motion on anything not on the
25 agenda, so I don't -- we could put it on next month's agenda

1 to do.

2 ADVISORY BOARD MEMBER WILLIAMS: Well, will we do
3 that, then?

4 COMMUNITY CO-CHAIRPERSON O'CONNELL: We could.

5 Yes, we could, if we decide to do that at the end of the
6 meeting.

7 ADVISORY BOARD MEMBER FREITAS: No, I don't feel
8 this is right. I'm sorry, I do not feel this is right, and
9 I'm going to take a stand on this.

10 Then you're sitting here as a co-chair and
11 authorized. Then why don't we start from scratch and start
12 all over again, then we're not really meeting as a RAB at
13 this point. You have no authorization as a co-chair at this
14 point.

15 MR. SMITH: If I could make a point right here,
16 there is no way -- basically, if the RAB doesn't have bylaws
17 in place, then the way that we've been doing it and the way
18 that all of the current RAB members were put on the RAB is
19 through the commanding officer basically signing a letter
20 saying hi, how are you doing, you're on the RAB.

21 So we have to do it one way or the other. Either
22 the CO writes the letter or, you know, we go through
23 whatever means are decided within the RAB to accept new
24 members. But it's got to be one of those two. And so
25 unfortunately, I don't think we would be able to do these

1 two new members tonight regardless, because it's got to be
2 one way or the other.

3 And so it's going to get put off until the next
4 meeting, whether A, the commanding officer is the one that's
5 going to sign off and he's going to sign it off and he
6 hasn't done that yet, so obviously that can't be done for
7 this meeting, or --

8 ADVISORY BOARD MEMBER FREITAS: Why hasn't he?
9 He's had plenty of time. Why is this --

10 NAVAL CO-CHAIRPERSON MORLEY: Because last time
11 when we had the membership applications for yourself and for
12 Ed, the commanding officer appointed them, and the RAB
13 expressed that they wanted to see them first to review them
14 first. So we have sent them out to everybody.

15 But I did want to bring up a point. When you're
16 talking about diversity, Mario is part of the environmental
17 lines, and I don't -- we don't have any representatives from
18 environmental activist groups. And so in that way he does
19 represent diversity and I think it would be nice to have him
20 and Igor, so Pat?

21 ADVISORY BOARD MEMBER RYAN: Yeah. I think it's a
22 little inappropriate to profile people, whether they're
23 representative of a diversified group of people --

24 THE REPORTER: Would you identify yourself,
25 please, ma'am --

1 ADVISORY BOARD MEMBER RYAN: I'm sorry, I'm
2 Patricia Ryan --

3 THE REPORTER: -- and come up to this table, as
4 close to the microphone.

5 ADVISORY BOARD MEMBER RYAN: I'm Patricia Ryan. I
6 work for DTSC.

7 COMMUNITY CO-CHAIRPERSON O'CONNELL: Thank you.

8 ADVISORY BOARD MEMBER RYAN: And I think that we
9 shouldn't be profiling any group, and as long as they're
10 applicants, they should all be equally considered. Because
11 everyone, every community member has a right to apply and a
12 right to be approved, based upon their own concerns or their
13 own interest.

14 And they shouldn't have to be part of a minority
15 or any other diversity type of group. So you should
16 consider that.

17 COMMUNITY CO-CHAIRPERSON O'CONNELL: I disagree.
18 I think it's very clear. It's in the DOD guidelines that
19 there needs to be diversity of interest on this board, and
20 that's one of our responsibilities is to make sure that
21 there is a diversity of people here on the RAB.

22 This item is not on the agenda, and I think we
23 could put it on next time's agenda if we want, and I would
24 suggest we do that, just keep with standard Robert's Rules
25 of Order.

1 ADVISORY BOARD MEMBER WILLIAMS: Can you give me
2 any assurance that there will be a definitive decision on
3 this next month?

4 COMMUNITY CO-CHAIRPERSON O'CONNELL: No.

5 ADVISORY BOARD MEMBER WILLIAMS: Well, I think
6 we're being very unfair to these two people. Mario is
7 working on two different wetlands programs, restoration, the
8 new one that he's working on and there's a Pacheco something
9 wet -- yeah, and if we want to lose him, fine, but --

10 ADVISORY BOARD MEMBER FREITAS: We need diversity
11 in this group. We have a group that consists of the TAG
12 group, which is yourself, Gay, Ray O'Brien, and Dean was on
13 it, and Mary Lou resigned. So that's three that sit on the
14 TAG group. And then there is Mary Lou, myself, and Ed, who
15 only got on by a pushing of the hair. I'm talking about Ed
16 McGee.

17 And the rest of -- We do not have an open forum
18 here for members of the community, and it's been -- You have
19 blocked it every time we have tried to bring in other
20 people, and that is part of what we stand for and what we
21 should be working for. We need more people on the RAB to
22 read these documents and to get these documents through, and
23 to get some public comment.

24 These are two men with intelligence and background
25 in the things that we're looking for technical assistance

1 for. How could you possibly not want them on the RAB?

2 COMMUNITY CO-CHAIRPERSON O'CONNELL: It's not that
3 I don't want them on the RAB, it's that --

4 ADVISORY BOARD MEMBER FREITAS: We have up to 30
5 people.

6 COMMUNITY CO-CHAIRPERSON O'CONNELL: Evelyn, I
7 know both these people personally --

8 ADVISORY BOARD MEMBER FREITAS: I don't really
9 give a damn if you know them personally.

10 COMMUNITY CO-CHAIRPERSON O'CONNELL: -- I've
11 worked with them for a long time and they have my
12 admiration, my keen admiration for both of them.

13 What I'm trying to do here is keep this procedure,
14 this process flowing in an orderly way, sort of like
15 Robert's Rules of Order, whatever you have --

16 ADVISORY BOARD MEMBER FREITAS: Well, as far as
17 I'm concerned, we don't have Robert's Rules of whatever,
18 because --

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: I would
20 hope --

21 ADVISORY BOARD MEMBER FREITAS: -- we are not a
22 functioning RAB, and we don't have the bylaws. So what
23 you're saying is we don't have bylaws to function by, so
24 therefore we cannot vote on these people.

25 So what gives you the authority or anyone else to

1 say that we cannot move forward, bringing more people on
2 this RAB?

3 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, I don't
4 think that we can make a motion on anything that's not on
5 the agenda of that nature. And --

6 NAVAL CO-CHAIRPERSON MORLEY: Why don't we vote
7 and see if we can --

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay.

9 NAVAL CO-CHAIRPERSON MORLEY: Why don't we just
10 ask other RAB members how they feel too.

11 Does anybody have any objections to these people
12 being added to the RAB?

13 ADVISORY BOARD MEMBER O'BRIEN: I do. I think
14 this is a legitimate point. I don't think we can consider
15 something that is not on the agenda. So put it on the
16 agenda for the next meeting.

17 NAVAL CO-CHAIRPERSON MORLEY: All right, but then,
18 as Mary Lou said, at the next meeting are we going to vote
19 then?

20 ADVISORY BOARD MEMBER FREITAS: Why wasn't it on
21 this agenda? It went out on e-mails with their
22 applications, and only because Gay and Marcus disapproved of
23 having them, why did it not --

24 MR. FREITAS: Well, you need to ask our two --

25 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, we

1 didn't disapprove --

2 MR. FREITAS: Evelyn, you need to ask our two co-
3 chairs why it's not on the agenda, then.

4 ADVISORY BOARD MEMBER TANASESCU: How could I
5 disapprove? I just got the applications, I can't do
6 anything about it.

7 NAVAL CO-CHAIRPERSON MORLEY: It didn't get
8 through to them.

9 COMMUNITY CO-CHAIRPERSON O'CONNELL: So, I mean,
10 please, Evelyn, you know --

11 NAVAL CO-CHAIRPERSON MORLEY: But why don't we say
12 this. We'll put it on the next agenda and we'll vote at the
13 next RAB meeting in November.

14 COMMUNITY CO-CHAIRPERSON O'CONNELL: That's fine
15 with me.

16 NAVAL CO-CHAIRPERSON MORLEY: Okay.

17 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. Are
18 there any more public comments?

19 ADVISORY BOARD MEMBER FREITAS: Well, let the
20 record stand that I disapprove.

21 COMMUNITY CO-CHAIRPERSON O'CONNELL: Are there any
22 more public comments? Ray?

23 ADVISORY BOARD MEMBER O'BRIEN: I'd like to know
24 what Weston is.

25 MS. ALTAMIRANO: Weston is a consulting firm.

1 THE REPORTER: Identify yourself, please.

2 MS. ALTAMIRANO: I'm sorry. Claudette Altamirano.
3 Weston is a consulting firm, and we provide some on-site
4 environmental compliance for the Navy.

5 ADVISORY BOARD MEMBER O'BRIEN: And are you
6 providing services to the Concord facility?

7 MS. ALTAMIRANO: Yes.

8 ADVISORY BOARD MEMBER O'BRIEN: You are. In terms
9 of what?

10 MS. ALTAMIRANO: In terms of day-to-day
11 compliance, planning --

12 MR. ANDAL: Environmental support.

13 MS. ALTAMIRANO: -- environmental support.

14 NAVAL CO-CHAIRPERSON MORLEY: And they also are
15 the contractor that we hired to audit the information
16 repository, because we don't have an '03 contract yet to
17 award RAB support. So we kind of borrow them to do that for
18 us.

19 ADVISORY BOARD MEMBER O'BRIEN: Thank you.

20 NAVAL CO-CHAIRPERSON MORLEY: All right. Sir, you
21 snuck in there. Can you introduce yourself, please.

22 MR. FORSBERG: I'm Jim Forsberg, Director of
23 Planning and Economic Development for the City of Concord.
24 I've been here several times before.

25 NAVAL CO-CHAIRPERSON MORLEY: Okay, thank you.

1 COMMUNITY CO-CHAIRPERSON O'CONNELL: Any other
2 public comment?

3 ADVISORY BOARD MEMBER TANASESCU: I have one
4 question that goes to land use planning, and I know all
5 along the Navy's position has been that there is no change
6 in future land use, everything is status quo. But then we
7 have the thing that was just published in the newspaper not
8 that long ago that's an overview of the area, showing the
9 whole inland portion being targeted or designated for urban
10 development.

11 NAVAL CO-CHAIRPERSON MORLEY: I'm not familiar
12 with that.

13 MR. SMITH: That was in error, whatever it was.

14 ADVISORY BOARD MEMBER TANASESCU: They've been
15 talking about this stuff for months, I don't know how it
16 could be an error, because it was at the community
17 development workshops. It's been published in the newspaper
18 as part of their general plan. They're talking about
19 special appropriations through Concord to purchase --

20 MR. SMITH: The Navy has no intention of giving
21 that land up, so I don't know where that's coming from. Are
22 you talking about the entire inland portion of the
23 installation?

24 ADVISORY BOARD MEMBER TANASESCU: Yeah. They had
25 an overview of the map here, and that whole inland portion

1 there, the people at the workshop weren't told that was the
2 Concord Naval Weapons Station. They were just given a blank
3 map saying what do you want here, and then they're
4 publishing it now as part of their plan.

5 And I'm getting -- as a RAB member, I'm working
6 with two pieces of information that are conflicting one
7 another.

8 MR. SMITH: Maybe offline you could give me some
9 information on who to contact within this organization
10 that's doing this. I think they need to know that -- See,
11 one of the big problems that we are constantly coming up
12 with is people think that this base is being closed down,
13 and that's simply not the case.

14 ADVISORY BOARD MEMBER TANASESCU: Well, is there a
15 statement you could give to the Contra Costa Times to the
16 contrary so they could just tell everyone blanketly that
17 they're mistaken? Because there seems to be a lot of
18 information out there that's contrary to this.

19 MR. SMITH: Yeah, there certainly is. I think
20 it's just people getting the wrong idea. They think because
21 they put the base in mothballs it's going to be closed and
22 it's going to be on the BRAC list or it is already on the
23 BRAC list. None of that is true.

24 The inland area is in mothballs. The tidal area
25 is currently being used by the Department of the Army and

1 the Military Traffic Management Command, and today they're
2 unloading one or more ships that have DOD cargo that were
3 stranded by the current labor situation with the dock
4 workers.

5 And so I think that's a big problem that needs to
6 be constantly addressed is people's vision of what's
7 happening with the base, and people, you know, hear that
8 it's being placed in a reduced operating status. They think
9 that means it's being closed and they start coming up with
10 plans for use when --

11 ADVISORY BOARD MEMBER TANASESCU: Well, this was a
12 counties-wide general plan, so there were a lot of different
13 agencies involved.

14 MR. SMITH: Well, I don't know how to answer that,
15 it's mistaken.

16 COMMUNITY CO-CHAIRPERSON O'CONNELL: It was the
17 Shaping Our Future, what's called the Shaping Our Future
18 planning effort done by the county and the cities.

19 PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR
20 FORSBERG: So it was more of a long-term kind of what if?

21 COMMUNITY CO-CHAIRPERSON O'CONNELL: Yeah, it
22 wasn't actually in the general plan, but it would possibly
23 have entered into the general plan.

24 ADVISORY BOARD MEMBER FREITAS: Well, it's the way
25 it was presented in the paper.

1 COMMUNITY CO-CHAIRPERSON O'CONNELL: Could I
2 address the issue that we're talking about with Greg here.

3 The Joint Use Committee sent out a memo last month
4 saying that the tidal area would no longer be subject to
5 joint use, which it really never was, for all practical
6 purposes.

7 MR. SMITH: Right.

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: The
9 administrative area would only be partially available for
10 joint use. It's unspecified what parts would be available;
11 most of it would be closed. And the inland portion would
12 not be available for joint use, except for, I guess,
13 possibly some trails by the East Bay Regional Park District.

14 And then there's another little kicker that comes
15 in -- I guess maybe Jim Forsberg can talk about this --
16 apparently the Navy -- the City of Concord is trying to get
17 something on the military appropriations budget for 45 acres
18 over by Olivera Road; are you aware of that?

19 MR. SMITH: Yeah, I'm aware of that generally. I
20 don't really see what that has to do with the installation
21 restoration program, though, because none of the areas that
22 you've just mentioned are a part of the installation
23 restoration program areas that are currently available for
24 joint use.

25 And if you want to talk to me about this offline

1 after the meeting, Marcus, I'd be happy to go into more
2 details with you, but I think we need to stick to IR-related
3 program issues for the meeting.

4 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. Well,
5 just to make a point on that that the facilities agreement
6 very much says that we are involved in this. If you look at
7 Appendix A of the bylaws, of the draft bylaws, you'll see
8 several other things that say we're involved, but anyway,
9 the changes in land use should come before us.

10 MR. SMITH: I think we'll need to look at that in
11 a little more detail. I think that might be relating to
12 bases that are on a BRAC list, which is where RABs first
13 started. And don't necessarily apply to this base, which is
14 not being closed down.

15 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. We can
16 talk about that.

17 MR. SMITH: Yeah, we'll talk about that.

18 ADVISORY BOARD MEMBER FREITAS: The reactivation
19 of the tidal area, I note they have been working out there,
20 but reactivating it, is that going to have any effect on the
21 cleanup?

22 MR. SMITH: No, it is not.

23 ADVISORY BOARD MEMBER FREITAS: How do we know
24 that they're -- You know, I mean, are they going to go back
25 and reevaluate any of these areas or anything that --

1 MR. SMITH: No. Basically, this is just a short-
2 term thing and they're just using -- Oh, shoot, I was hoping
3 the actual wharfs would be on that map, but they're not --
4 basically about halfway in between all of the yellow sites
5 near the water line and RAS 1, the purple site about halfway
6 in between and right on the water line is where the wharfs
7 are that they're using. And that's the only section of base
8 they're using is just that, and then the roads leading out.

9 So it's not really impacting or even getting
10 anywhere near any IR sites.

11 ADVISORY BOARD MEMBER O'BRIEN: Who is "they," is
12 it the Navy or the Army?

13 MR. SMITH: It's the Army. The Navy is the
14 property owner, but it is the Army that has basically, for
15 all practical purposes, an indefinite use permit for the
16 entire tidal area. And they're unloading DOD cargo off of
17 commercial ships.

18 ADVISORY BOARD MEMBER TANASESCU: I have another
19 question. Off of Bailey Road over to the side there was
20 that huge grove of trees that's out there. I imagine that's
21 close by where the Tule elk used to be kept, but it looks
22 like that whole grove is dying, as if it's been poisoned,
23 and I was just wondering if the Navy was doing spraying to
24 kill off the grove.

25 MR. SMITH: Good question. I don't know.

1 ADVISORY BOARD MEMBER RAMSEY: You said there's a
2 grove of eucalyptus trees?

3 ADVISORY BOARD MEMBER TANASESCU: Yeah.

4 ADVISORY BOARD MEMBER RAMSEY: Yeah, that could
5 explain that.

6 ADVISORY BOARD MEMBER TANASESCU: But they're
7 definitely dying.

8 MR. ANDAL: Those are under the Department of
9 Agriculture.

10 ADVISORY BOARD MEMBER TANASESCU: Pardon?

11 MR. ANDAL: Those are being --

12 NAVAL CO-CHAIRPERSON MORLEY: Well, was there a
13 research plot?

14 MR. ANDAL: -- experimental by the Department of
15 Interior.

16 COMMUNITY CO-CHAIRPERSON O'CONNELL: One at a
17 time, please, the tape.

18 ADVISORY BOARD MEMBER TANASESCU: I'm sorry, I
19 can't understand.

20 COMMUNITY CO-CHAIRPERSON O'CONNELL: Try saying
21 that again on the tape, I think.

22 MR. ANDAL: Which one?

23 COMMUNITY CO-CHAIRPERSON O'CONNELL: Your answer,
24 for the tape.

25 MR. ANDAL: Amado Andal. Those trees are planted

1 by the Department of Agriculture for experimental.

2 ADVISORY BOARD MEMBER TANASESCU: Department of
3 Agriculture?

4 MR. ANDAL: Yeah.

5 NAVAL CO-CHAIRPERSON MORLEY: They have research
6 plots and it was something -- I mean, I remember seeing this
7 on my site tour, but it has something to do with they were
8 seeing, like, various growth rates and what happened and
9 blah, blah, blah. And I'm sure Dick Rugen probably has the
10 answer to that, right, Gil?

11 ADVISORY BOARD MEMBER RIVERA: Yeah. He would be
12 the person who would be able to respond to that. I don't
13 have any knowledge of it myself.

14 NAVAL CO-CHAIRPERSON MORLEY: And we can get you
15 his phone number because he would know more about that, but
16 it's a research plot.

17 ADVISORY BOARD MEMBER TANASESCU: Could somebody
18 just get the answer as to what is going on with the trees,
19 because I'd just like to know in terms of there being
20 pesticide or something being used out there -- not
21 pesticide, I'm sorry, but -- well, if that's happening -- I
22 should have brought my letter tonight.

23 I called last week and planes have been going over
24 there from the Fish and Game very early and flying very low,
25 and if there is poisoning going on, then that should be a

1 concern because of the Tule elk and the cattle over there.
2 And they've been going over there every day for hours at a
3 time. That's something -- And I do have that documented for
4 the Buchanan Air Field.

5 ADVISORY BOARD MEMBER FREITAS: Speaking of
6 which -- I'm sorry --

7 MR. ANDAL: It's the California Department of Fish
8 and Game is doing the inventory of the elks.

9 MR. SMITH: Okay. So they're flying over and
10 counting.

11 MR. ANDAL: They're flying and counting the elks.

12 MR. SMITH: Okay. So they're not spraying.

13 ADVISORY BOARD MEMBER FREITAS: No, but if they
14 are spraying, then we need --

15 MR. SMITH: But they're not.

16 MR. ANDAL: They are not.

17 ADVISORY BOARD MEMBER FREITAS: Oh, they're not,
18 okay.

19 MR. SMITH: Yeah, you're talking two separate
20 projects from two separate organizations. The flying is
21 California state people counting elk.

22 ADVISORY BOARD MEMBER FREITAS: Yeah, I know, but
23 if they're in the same area, are they on the same land --

24 ADVISORY BOARD MEMBER TANASESCU: I thought it
25 was, it's on the inland portion on Bailey Road over on the

1 left.

2 ADVISORY BOARD MEMBER FREITAS: Right.

3 ADVISORY BOARD MEMBER TANASESCU: Isn't the
4 preserve somewhere over on that side?

5 MR. SMITH: Yeah, the preserve is on the inland
6 portion, but they can pretty much go wherever they want.

7 NAVAL CO-CHAIRPERSON MORLEY: Well, we'll find out
8 what's going on. I think it's kind of premature to say that
9 they're spraying when it could be something -- So we'll find
10 out and get back to you.

11 MR. SMITH: Thank you.

12 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. Are
13 there any more public comments before we get into the main
14 part of the meeting?

15 I have two minor announcements to make. One is
16 I've got a publication here from the EPA called Superfund
17 Community Involvement Handbook, and I'd like to make it
18 available to the community members of the RAB if anybody
19 would, if any of the community members would like to see it
20 and maybe pass it around.

21 Would you like to see it? Okay.

22 The other is that the General Accounting Office
23 came out with a report two weeks ago which dealt with
24 remediation actions by the Department of Defense, and they
25 found that 40 percent of the actions were, well, let's --

1 let me read the little release right here:

2 "The GAO found that 40 percent of them did not
3 have, the DOD did not have a sound basis for declaring that
4 40 percent of their sites required no further action, no
5 further study or action. For many of the sites, GAO said,
6 there is no evidence that the Corps," meaning the US Army
7 Corps of Engineers in this context, "undertook a systematic
8 search for the presence of any hazards."

9 This report is available on the web, essentially,
10 and I will give anybody who wants it the URL. In fact, I'll
11 read it right now. Well, the URL is for the General
12 Accounting Office. That's no big deal. The report number
13 is GAO-02-658, and it can be downloaded on the web or you
14 can order a hard copy from them.

15 NAVAL CO-CHAIRPERSON MORLEY: I'd like to point
16 out that that report focused on FUDS or formerly used
17 defense sites and was not for active installation
18 restoration sites.

19 NAVAL CO-CHAIRPERSON MORLEY: Is that it?

20 COMMUNITY CO-CHAIRPERSON O'CONNELL: Those are the
21 only announcements I have. I guess I'll pass it over to
22 you.

23 NAVAL CO-CHAIRPERSON MORLEY: Did everyone get
24 their transcripts e-mailed in a reasonable time? And in big
25 letters and everything? Okay, good. All right.

1 I didn't get any comments, so everyone is okay
2 with the September meeting transcripts? All right.

3 COMMUNITY CO-CHAIRPERSON O'CONNELL: Could we make
4 a motion, then --

5 NAVAL CO-CHAIRPERSON MORLEY: To approve?

6 COMMUNITY CO-CHAIRPERSON O'CONNELL: -- to
7 approve, yes.

8 NAVAL CO-CHAIRPERSON MORLEY: I'll make a motion
9 to approve that, then.

10 COMMUNITY CO-CHAIRPERSON O'CONNELL: I'll second.

11 NAVAL CO-CHAIRPERSON MORLEY: All right.

12 COMMUNITY CO-CHAIRPERSON O'CONNELL: All those in
13 favor?

14 (Ayes.)

15 COMMUNITY CO-CHAIRPERSON O'CONNELL: Opposed?

16 NAVAL CO-CHAIRPERSON MORLEY: Thanks. Okay.

17 We'll go to Committee Reports/Announcements, and
18 Update on the TAPP.

19 Gil, can you give us an update on that?

20 ADVISORY BOARD MEMBER RIVERA: Right. As
21 announced to the Restoration Advisory Board last meeting,
22 the TAPP projects have been approved and they are programmed
23 for funding in fiscal year 2003. We anticipate receiving
24 funding for fiscal year 2003 in the November time frame, but
25 given the current state of affairs, I'll keep you posted on

1 the status of funds and so forth when they do arrive.

2 So we'll move forward as soon as we have money to
3 execute the contracts.

4 NAVAL CO-CHAIRPERSON MORLEY: And we did get your
5 third consultant, so we're ready to go when we get that.
6 Thank you.

7 COMMUNITY CO-CHAIRPERSON O'CONNELL: I'd like to
8 add something.

9 You gave a presentation last time about where we
10 went from here. And I raised the issue that it seemed the
11 community members were suddenly off the radar, that we had
12 no responsibility left, at least based on the presentation
13 that was made. And, just for the record, I want to
14 introduce a few things this evening so that you're aware and
15 I'm sure you can get it off the minutes when we're done
16 here, that we, in fact, are and can be very much involved in
17 this process all the way through.

18 The RAB can be used in assessing the
19 qualifications of the different bidders, and if -- Let me go
20 on here -- we can be consulted, we can be asked to comment
21 on reading from the TAPP handbook, which is the official
22 guideline, we can be asked to comment on the selection of an
23 assistance provider if the community's proposed provider is
24 found by the government to be ineligible for whatever reason
25 or is not cost-competitive.

1 In that event, the DOD will go to the community
2 co-chair to determine if the DOD's proposed TAPP procurement
3 recipient is acceptable to the community or if the project
4 should be revised and rebid. It will be the community co-
5 chair's responsibility to determine what action the
6 community wishes to take.

7 Separately, the community co-chair will determine
8 whether the contract has met the requirements of the
9 community. As the liaison between the community and the
10 government regarding the performance of the assistance
11 provider, the community co-chair should be aware of the
12 scope of the intended work and the degree to which the
13 assistance provider meets that scope.

14 Finally, the community co-chair will be
15 responsible for communicating to the DOD an assessment of
16 the success of the assistance provider in meeting the scope
17 of the work, and the degree to which the community benefited
18 from the project. The project closeout report, which will
19 be prepared by the community co-chair, will be relatively
20 informal and it will be submitted to the DOD co-chair.

21 So it's very much, I think I would stress this to
22 all community members, we do want to be involved in this
23 process, and I think it has to be remembered that we as a
24 RAB, as a whole, besides community co-chair -- That's a
25 figurehead, I mean, I have to take input, although, of

1 course, it's not just my decision or whoever is community
2 co-chair -- but we want to be involved. We're going to have
3 to sign off on this as far as community satisfaction at the
4 end, and I think we should be involved in each step along
5 the way. And I think that handbook spells it out very well,
6 and that was really overlooked in the presentation.

7 So I just want to add that.

8 ADVISORY BOARD MEMBER RIVERA: And I would like to
9 restate and reiterate that the RAB will be involved in every
10 step of the process, but we can't start anything until we
11 have funding. We can't ask these people to do stuff, you
12 know, at no cost. So, you know, so there's going to be a
13 lot of work.

14 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, it
15 wasn't in the slide presentation, and I wanted to stress we
16 can all make it happen.

17 ADVISORY BOARD MEMBER RIVERA: There's going to be
18 a lot of work, so it's not as easy as it appears on the
19 surface. There will be a lot of work, a lot of involvement,
20 a lot of time. But you will be involved in every step of
21 the way.

22 Now, with that said, you know, the day may come
23 when we'll say, gee, do we really have to do this. And the
24 answer is yes, these are some of the prerequisites that the
25 government follows anytime it does any type of acquisition,

1 and the RAB will be involved in every step.

2 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay, thank
3 you very much, Gil.

4 NAVAL CO-CHAIRPERSON MORLEY: The size on the
5 information repository and administrative record, the
6 administrative record, which is at Daly City where Gil
7 works, is up to date. So that's when -- and the information
8 repository after the last round, when we talked about that.
9 Before in March I think Tetra Tech had gone through there
10 and brought everything up to date.

11 After the last RAB when you said things were
12 missing, Weston went in and checked it again and there were
13 about 15 documents missing. So I'm not sure if we need to
14 talk to librarians that there is a problem with the checkout
15 procedure or I'm not sure what happened, but we got
16 everything but those 15 documents which we need to get from
17 EFA West. Most of them are just meeting minutes or small
18 handouts, but I think three of them, two or three of them
19 are reports and we're going to have our copy service go make
20 copies of that so that they should be back in there.

21 Bechtel is a contractor that's in charge of doing
22 the administrative record index and they update that
23 quarterly. They're in the process of putting that -- I
24 think in two weeks he said they will be here to put that in
25 Microsoft Access, but we're going to have -- If you want the

1 administrative record, that's fine, the one in Daly City.
2 But we're more concerned with the information repository
3 here at the library, and Weston will be updating that
4 monthly, and that index will be sorted by site and by date.
5 And we will be sending those out and they will be auditing
6 monthly. So as soon as we get these records in, and we'll
7 keep making sure that things don't go missing, maybe talk to
8 the librarians.

9 But we also wanted to ask if you guys know that
10 there are two sections, the litigation area section and then
11 the Concord section, because -- Okay, I just wanted you to
12 know. Why, you can't find --

13 ADVISORY BOARD MEMBER FREITAS: Well, I mean, they
14 have them all on one shelf. Are you saying that there is
15 another area that she didn't show me that is hidden off
16 someplace else?

17 NAVAL CO-CHAIRPERSON MORLEY: I'm not sure it's
18 hidden. I actually haven't seen that. I saw the Concord
19 section. Where is the litigation area section?

20 MR. SMITH: Are you looking at me?

21 (Laughter.)

22 NAVAL CO-CHAIRPERSON MORLEY: No, I'm looking
23 at -- I was looking at the model.

24 MR. ANDAL: It's on the same place.

25 NAVAL CO-CHAIRPERSON MORLEY: It is in the same

1 place?

2 MR. ANDAL: It's on the same place, yes.

3 COMMUNITY CO-CHAIRPERSON O'CONNELL: The one set
4 of shelves has Concord and then immediately adjacent, right
5 next to it, is another shelf that's litigation.

6 NAVAL CO-CHAIRPERSON MORLEY: Yeah.

7 COMMUNITY CO-CHAIRPERSON O'CONNELL: There is some
8 crossover between the two, but you'll see it.

9 NAVAL CO-CHAIRPERSON MORLEY: Okay, but, like,
10 there was one side that was just empty when I went there, it
11 was just --

12 MR. ANDAL: Yeah, because we helped the librarian
13 to empty that so we can put more documents in that area.

14 COMMUNITY CO-CHAIRPERSON O'CONNELL: The City of
15 Concord is in the process of doing focus groups and workshop
16 groups for a future library, and they've held a number of
17 them. One of them was with the library staff, and it's
18 actually posted on the city's web site and you can look at
19 it.

20 Staff is not happy about having the repository in
21 the Concord branch, because the Concord branch has a very
22 limited amount of space. And they literally have to take
23 books out of the circulating library to use that space, and
24 they don't feel that many people are looking at it. They
25 know that not many people are looking at it. I think they

1 would like to see it back at Pleasant Hill.

2 Now, I think that this is subject to comment by
3 everybody here, of course, but -- and I know Evelyn will
4 probably want to jump in on this, but it was in the Pleasant
5 Hill library, and that's a central library and it has some
6 advantages. One is the longer hours. It's available more
7 hours than the Concord branch, although I don't know that
8 that -- the amount of extra hours is somewhat less than it
9 used to be because the Concord branch has expanded its hours
10 as of July.

11 But that might be something to think about.
12 Because basically, the Concord library staff is thinking
13 it's a pain in the ass, and --

14 PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

15 FORSBERG: If I may, the move was directed by the City
16 Council at the City of Concord who felt the Naval Weapons
17 Station is primarily in the City of Concord and that was a
18 very conscious move and they want it there.

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, we had
20 one City Council person at the facilities agreement meeting
21 in August make that suggestion, which was Mike Castor, and I
22 don't think he realized exactly what was involved here at
23 the time. I can't help but think that he didn't.

24 Because when he did do that, he brought the
25 repository into a library where it was hardly available to

1 the public at all after working hours. Compared to the
2 Pleasant Hill library, the hours of access were much less.

3 So I don't really think -- He just said this off
4 the top of his head, it sounds good, but I don't think it
5 was a well thought-out plan, by any means. It wasn't
6 executed by the City Council, it was one City Council person
7 speaking for himself.

8 NAVAL CO-CHAIRPERSON MORLEY: And after we talked
9 at the July RAB, we went to the Pleasant Hill library and we
10 talked to the librarian there. You know, wherever you go,
11 the librarians aren't happy with the Navy having their stuff
12 there, and I don't blame them.

13 But one of the disadvantages at that library --
14 There are disadvantages and benefits to both. One of the
15 disadvantages was that you were in the public records room,
16 because they didn't have enough room in their reference
17 section. And so they didn't like that you had to be
18 escorted to go into that section. So it's kind of six of
19 one, half a dozen of the other.

20 But I did -- Didn't they say to us that there were
21 plans for a new county library?

22 MS. HUNTER: Yes.

23 NAVAL CO-CHAIRPERSON MORLEY: And that they would
24 be happy, if we wanted to move it back, that they would have
25 a more expanded reference section that would be easier for

1 the access that wouldn't require a librarian and everything.

2 So if we can hang in with the city library until
3 then -- And I thought it was fairly soon. I mean, as far as
4 construction.

5 MS. HUNTER: Yeah. Well, a couple --

6 MR. SMITH: Greg Smith. Theresa, where was the
7 new county library going to be? Is it someplace where it
8 would be easy access for the folks here?

9 NAVAL CO-CHAIRPERSON MORLEY: You know, I'm not
10 that familiar with -- We did a lot of driving that day, but
11 I wouldn't think it was more than 10 or 15 minutes from the
12 base. I thought that they would do another one from -- in
13 Pleasant Hill.

14 So that might be something that we -- But at least
15 in the meantime, we're working on making sure that the
16 information repository is up to date and that you guys are
17 getting the index so that you know what documents have been
18 added. We talked about that today, what kind of form we're
19 going to use to show what documents have been added since
20 the last time the index was updated. So that's the status
21 for that.

22 If there are no further comments, let's go to the
23 RPM update. Gil?

24 ADVISORY BOARD MEMBER RIVERA: Thank you. I'd
25 like to present the Navy Remedial Project Manager's report

1 for the month of September 2002. It was a particularly busy
2 month for the agencies in the Navy. We had five individual
3 meetings and one conference call that took place during
4 September.

5 The first meeting that we had was to discuss the
6 IRP Site 22 meeting. Allow me to stand here very quickly.
7 Site 22 is opening in the southwestern portion of the inland
8 area. This is Site 22 right here. Initially that site had
9 been proposed as a no-action site, but there were concerns
10 raised by all parties that we had a situation with respect
11 to the presence of arsenic on the site.

12 And the need was seen to make a determination
13 whether this site, the arsenic on the site was naturally
14 occurring or what we call anthropogenic. In other words,
15 placed there by some action of man. So what we did, as far
16 as looking into the arsenic question, we did finalize what
17 we call a sampling and analysis plan. We met with the
18 agencies, we fine-tuned it and finally agreed to a sampling
19 plan for that particular site.

20 So the Navy is going to conduct the field work at
21 that site in the month of October, and we will be acquiring
22 data and meeting with the agencies once we acquire that
23 data.

24 The Navy and the agencies met on the site
25 management plan or the SMP. For the most part, the Navy and

1 the agencies were able to work through the issues regarding
2 the site management plan, with respect to scheduling of the
3 work and moving projects that were more or higher priority
4 to the more current schedule and deferring other projects to
5 a later time.

6 We still haven't completed the work on the site
7 management plan. There are some questions that have come up
8 with respect to the Navy's position on the litigation area,
9 the scheduling of the projects for their particular area.
10 So the Navy and agencies will convene a meeting sometime
11 during the month of October to iron out those final issues.

12 IRP Site One dispute resolution meeting: The Navy
13 and the agencies have met several times and finally reached
14 a place where they can say they're very close to having
15 resolution on the issues with respect to Site One. The
16 primary or salient issue now that we have to deal with is
17 that the land use controls -- what we're hoping to do is
18 take some of the language that was crafted for the Travis
19 Air Force Base record of decision, and hopefully employ that
20 same language in the record of decision for the tidal area
21 landfill.

22 Because this language was crafted locally by the
23 Air Force, we have to work -- we, the agencies and the
24 Navy -- have to work with US EPA up through Department of
25 Defense and back down through the Navy chain of command to

1 see if we can, if we will be allowed to employ the
2 agreements with respect to land use controls that were
3 agreed to on Travis Air Force Base.

4 So, once again, to reiterate, the Navy and the
5 agencies are very close to coming to agreement and closing
6 out the dispute on the Site One record of decision.

7 The next item is the Remedial Project Manager's
8 meeting. Most of the elements of the Remedial Project
9 Manager's meeting are addressed in the September Navy
10 Remedial Project Manager's report; however, if you look at
11 the agenda item, I believe it's four on the agenda of the
12 Remedial Project Manager's meeting, we did discuss sites 13
13 and 17.

14 The Navy and the agencies are very close to
15 reaching a concurrence on the record of decision for these
16 two particular sites. There is a matter with respect to
17 language, fine-tuning the language in the record of
18 decision, and we're awaiting a review by the respective
19 legal counsel for both Navy and US EPA.

20 The next item is the removal action that the Navy
21 is conducting at Area of Concern One. In Area of Concern
22 One it's in the tidal area that is adjacent to the Port
23 Chicago Highway, the little yellow rectangle here is Area of
24 Concern One. The Navy has completed the major portion of
25 the removal action next to the pump station adjacent or

1 abutting the road, Port Chicago Highway, and it's currently
2 moving towards completing the removal action for two hot
3 spots.

4 Once those actions are completed, the Navy will
5 restore the site and revegetate the site and prepare a
6 report on the AOC 1. When that report is finished, we will
7 brief the RAB on the actions that were taken there.

8 In addition to that, the Navy and the agencies
9 have agreed to supplemental sampling on the site. The Navy
10 and the agencies agree that further characterization of the
11 site is necessary. It's quite a large site and there were
12 some industrial processes that took place there, and the
13 Navy and the agencies agree that we have to look into that
14 further. So we will be proceeding with further
15 investigation on that site.

16 Lastly, IRP document submittals and review.
17 Pretty much self-explanatory, but I would like to focus on
18 reports scheduled for submittal in October. We do have the
19 final ROD for sites 13 and 17, the remedial investigation
20 report for the solid waste management units, the feasibility
21 for Site 27 and the draft final five-year review assessment
22 report.

23 My recommendation and suggestion to the RAB is
24 that because these are very large reports and quite involved
25 that perhaps the RAB would consider breaking down into, if

1 we want to call it small working groups, to address their
2 particular reports, and perhaps that way the entire gamut
3 there, the four reports that are quite large and quite
4 involved could be reviewed by the RAB at one time.

5 And we're seeking comments on those particular
6 reports. We're seeking not only technical comments, if you
7 wish to provide those, but also looking for agreements as to
8 the process that's ongoing and recommended in the particular
9 reports.

10 And that essentially or that is the Navy Remedial
11 Project Manager's report for September.

12 NAVAL CO-CHAIRPERSON MORLEY: Thanks, Gil.

13 Philip?

14 ADVISORY BOARD MEMBER RAMSEY: Very quickly here,
15 just to fill in a couple of things, and as usual, again,
16 this is Philip Ramsey with the US EPA, just to report on
17 some correspondence that we've done and follow up to some of
18 the items that Gil had talked about. And I have copies here
19 of the letters. We'll get these to you folks before this
20 evening.

21 In response to this September 10th meeting with
22 the Navy on both Site 22, which was relatively quick, and
23 the site management plan, our schedules for the base, again,
24 on the 10th we received a revised schedule from the Navy the
25 next day. That was 9/11. On the 16th then we were able to

1 finalize our letter, issue comments on the schedules to the
2 Navy. So I have a copy of that. That was our letter, EPA
3 issued on the 16th of this month.

4 And then subsequently what the Navy has provided
5 us is a revised version. This is going to be actually the
6 third draft final version of these schedules that we refer
7 to as a site management plan or SMP -- Lots of acronyms here
8 in this group -- and based on their review we still have
9 these problems. And so that's why we're either going to be
10 working with the Navy, probably bringing our managers in to
11 try to resolve this issue, and we would be happy to -- We
12 may want to just do it offline. If people have a specific
13 concern, what's up with these schedules, maybe we could just
14 defer that to those individuals who would be happy to
15 explain it to people.

16 But we're down to a couple of issues, and they all
17 involve deliverables or schedules associated with the
18 litigation area, which is the Navy presented the schedules.
19 The litigation area is what the team has considered to be
20 the highest environmental priorities for all the
21 environmental sites. In litigation area, that's all the
22 purple areas toward the east and the tidal site.

23 On the 18th they issued a letter. This is also
24 coming out of our meeting on the 10th to resolve and talk
25 about some of the issues regarding the Site 22, which is

1 this missile fen repair building down in the southeastern
2 corner of the inland areas, this sampling plan regarding
3 arsenic and soils. So we had a meeting with the Navy on the
4 10th where EPA was able to finalize our letter, documented
5 some of the things we talked about with the Navy, and
6 primarily was there to -- the meeting resulted in some
7 changing of the boring locations where they're taking soil
8 sampling from.

9 So based on that, we issued a conditional approval
10 on the sampling plan with the Navy. Again, letter dated the
11 18th, got copies here, and have received a subsequent map
12 from the Navy that presented the changes. They're good to
13 go essentially on this with the SAP, the sampling and
14 analysis plan. And I believe the Navy is going to be
15 briefing -- Joanna, actually you guys are all busy here, but
16 we're going to brief the RAB shortly -- This is one of the
17 things we believe you'd want to hear about relatively soon,
18 this Site 22. So I have copies of our letters here.

19 And then lastly, on the 26th, we issued our final
20 comments on this no-action record of decisions for the sites
21 13 and 17, again, record of decision, no-action ROD for Site
22 13 and 17, and we're waiting to hear back from the Navy. We
23 believe these comments just provide more details and
24 justification for some of the -- just better justification
25 for the decision and clarifying some aspects of the data

1 that we saw in the ROD. And I have copies of that letter
2 also for you folks.

3 And that's about it. Thank you.

4 NAVAL CO-CHAIRPERSON MORLEY: Thank you, Philip.

5 Jim, do you have anything?

6 PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

7 FORSBERG: Nothing else to add, thank you.

8 NAVAL CO-CHAIRPERSON MORLEY: Okay, thank you.

9 Laurent?

10 ADVISORY BOARD MEMBER MEILLIER: Thank you. This
11 is Laurent Meillier with the Regional Water Quality Control
12 Board.

13 Board staff responded to an inquiry from Evelyn
14 Freitas on the Mallard groundwater monitoring wells found
15 near the Mallard Reservoir, and in essence, the letter
16 directed Ms. Freitas to contact the local agencies as well
17 as the state agencies for well construction characteristics
18 as well as for potential contamination that might have been
19 documented for those wells.

20 The Navy responded to board staff relating to a
21 documented leak at a Chevron pipeline found at AOC 1, Area
22 of Concern One, and the result of that investigation from
23 the Navy is that the landowner at the time, which was in the
24 '30s, Mr. Nichols, paid Standard Oil, which at the time was
25 I guess Chevron, or before Chevron bought Standard Oil,

1 about \$6.95 for that leak that occurred in 1935.

2 Board staff also attended a meeting, a USD meeting
3 with the Navy, and board staff forwarded to Ms. Theresa
4 Morley a cost recovery letter for USD sites that will
5 receive regulatory oversights. And finally, also, board
6 staff has received two reports from the Navy that they are
7 reviewing, relating to USD sites that are in this case, and
8 one of the reports is for tidal areas, USD sites, and the
9 second report is for somewhat of a tidal area site, which is
10 the Port of Chicago gas station where the old city of Port
11 of Chicago was found. And it's found a little bit above the
12 tidal area, that's why I'm saying somewhat.

13 And this is about my briefing for the Regional
14 Water Quality Control Board.

15 NAVAL CO-CHAIRPERSON MORLEY: Thank you, Laurent.

16 ADVISORY BOARD MEMBER MEILLIER: You're welcome.

17 NAVAL CO-CHAIRPERSON MORLEY: Okay. If anybody
18 doesn't have any questions or comments --

19 ADVISORY BOARD MEMBER O'BRIEN: I have one.

20 NAVAL CO-CHAIRPERSON MORLEY: Okay.

21 ADVISORY BOARD MEMBER O'BRIEN: I'd like to know,
22 from the Navy and also from the Department of Toxic
23 Substances for the state, what the status is of holding
24 responsibility for ongoing pollution in the litigation
25 areas. I know that we in Bay Point received a notification

1 from the Department of Toxic Substances that they were
2 continuing to monitor the area around General Chemical, and
3 so I'd like to know what the status of all that is.

4 NAVAL CO-CHAIRPERSON MORLEY: Okay. Gil, you can
5 probably answer this better --

6 MR. SMITH: Yeah, Gil is probably the best person
7 for that one.

8 NAVAL CO-CHAIRPERSON MORLEY: -- but I think,
9 isn't that one of the causes of our dispute is that we don't
10 want to go forward until that is addressed?

11 ADVISORY BOARD MEMBER RIVERA: Well, let me back
12 up a little bit more than that. General Chemical is in
13 current operation. It is a functioning site. And the
14 previous owners were parties to a litigation between the
15 Navy and prior owners. And one of the agreements reached in
16 that litigation is that the parties, the owners of General
17 Chemical were found liable for the pollution that was coming
18 from their site onto Navy property. And they subsequently
19 had to pay into the general account of the United States the
20 costs that the Navy -- the equal amount that the Navy
21 expended for remediation of the site.

22 Now, the Navy is revisiting those consent decrees,
23 because the Navy believes that there is merit in looking
24 into the consent decrees, that they were not -- may not have
25 been fully complied with. So that's one of the things that

1 impacts other sites or is impacting the RAB sites. It's one
2 of the sources of the discussion that the Navy is going to
3 have with the agency, primarily US EPA, in that the Navy
4 believes that we should first quantify or attempt to
5 quantify any pollution that's coming from offsite sources
6 onto Navy property.

7 The Navy feels that we should stop the migration
8 before we clean up any more, spend any more dollars cleaning
9 up sites that just may be recontaminated from offsite
10 sources. So sorry for the long response, but that actually
11 is the short version of the response.

12 NAVAL CO-CHAIRPERSON MORLEY: Evelyn?

13 ADVISORY BOARD MEMBER FREITAS: Site 22, I have a
14 question, because I'm still a little -- with all the maps, I
15 still can't put an X on a couple of things. Can you tell me
16 where Dana Estates residence is near site 22 and where the
17 Concord High School is relative to site 22?

18 ADVISORY BOARD MEMBER RIVERA: I don't know --
19 Relative to the locations on the map, I don't know where
20 they are.

21 MS. CENEPA: Concord High School is right here on
22 the base. Here is site 22, the yellow box. Concord High
23 School is just right down here.

24 ADVISORY BOARD MEMBER FREITAS: Okay. So --

25 MS. CENEPA: I don't know where Dana Estates are.

1 ADVISORY BOARD MEMBER O'BRIEN: All the
2 residential area up to --

3 MS. CENEPA: Oh, yeah, these are all part --

4 ADVISORY BOARD MEMBER O'BRIEN: Up to the top a
5 little bit.

6 MS. CENEPA: Yeah, these are residences, right off
7 this --

8 ADVISORY BOARD MEMBER FREITAS: So the arsenic in
9 the ground, and I may be asking an irrelevant question
10 because I haven't been following this particular one lately,
11 but are you doing a health risk evaluation for the high
12 school and for our residential area then because of the
13 arsenic found?

14 MS. CENEPA: There is no -- What we're doing is a
15 supplemental remedial investigation. So the original
16 remedial investigation was done in 1997, and it's gone
17 through several iterations, and the remaining concern at the
18 site is arsenic in the soil. So we're doing an
19 investigation, two soil borings, to evaluate whether arsenic
20 at the site is due to manmade things or just naturally
21 occurring in that area.

22 We're doing an ecological and community risk
23 assessment for that site. We're not analyzing the risk
24 offsite, we're analyzing the risk for the soil that we're
25 going to be evaluating onsite. There is no indication at

1 this time that any soil offsite is impacted.

2 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, have
3 you looked yet?

4 MS. CENEPA: Excuse me?

5 COMMUNITY CO-CHAIRPERSON O'CONNELL: Has anyone
6 checked?

7 MS. CENEPA: The Navy isn't authorized to collect
8 samples on private property.

9 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. Mary
10 Lou is going to inject at one point an anecdotal story about
11 people using well water.

12 ADVISORY BOARD MEMBER WILLIAMS: Yeah.

13 ADVISORY BOARD MEMBER RAMSEY: You know, maybe at
14 some --

15 ADVISORY BOARD MEMBER WILLIAMS: And that was in
16 Concord.

17 ADVISORY BOARD MEMBER RAMSEY: What I would
18 suggest is I think we're going to have a little more
19 detailed briefing about Site 22, and then maybe at that
20 point I would hope we could talk about and people could
21 listen with broad minds for aspects of arsenic.

22 For example, it's the 20th most common element in
23 the world. And so it is naturally occurring. It does exist
24 in soils in the Western United States and California and
25 Concord and everywhere. So the challenge is teasing out,

1 you know, what is -- one is we're seeing generally lots of
2 low levels that are not very much a problem, Evelyn.

3 We're seeing some high levels. The highest hit we
4 have is at ten feet below ground, which is, in fact, in a
5 gravelly sand material, which may be -- we're just seeing a
6 lot of this, the high hit, in other words, is coming very
7 deep from a different geologic type material. So one thing
8 the Navy is doing for the supplement sampling is
9 specifically going to that same location and doing a better
10 job of doing a mineralogical analysis of the soils, looking
11 at other metals, because there is a correlation of this
12 arsenic with other things like iron and some other metals.

13 If they precipitate out when they're created, you
14 may see these. So hopefully, we can have that kind of
15 discussion, where they're in both the sources of arsenic,
16 the toxicology, what are the pathways, the exposure routes
17 and things like that, and then we can proceed with, you
18 know, what the data is indicating and what --

19 ADVISORY BOARD MEMBER FREITAS: Are you checking
20 the groundwater and et cetera, then, in that area?

21 ADVISORY BOARD MEMBER RAMSEY: Well, there's a
22 question for the Navy. I have an answer, but I'd let them
23 speak up first.

24 MS. CENEPA: The Navy isn't proposing collecting
25 groundwater at the site. The groundwater depth in that area

1 is about 22 feet and at this time we're evaluating arsenic
2 as well.

3 ADVISORY BOARD MEMBER FREITAS: But would it be
4 feasible to check the groundwater, especially since you have
5 a high school and residential area? I mean, wouldn't it
6 be --

7 MR. SMITH: Is that groundwater being used?

8 ADVISORY BOARD MEMBER RAMSEY: Well, again, no,
9 it's not.

10 MR. SMITH: Are there wells?

11 ADVISORY BOARD MEMBER RAMSEY: And that's why I
12 said maybe we can have a little bit more lengthy discussion,
13 talk about these things, so people could then understand,
14 you know, what's the pathways. And what we're really seeing
15 in general is it's going to be from -- arsenic would either
16 be naturally occurring or it's from pesticides or ancient
17 historical agricultural practices.

18 And based on the discussions with our
19 toxicologists, we understand that we would expect to see
20 this in the upper shallow surface. It's like some of the
21 metals. It doesn't migrate to depth, so if you don't see it
22 in high concentrations in the shallow soil, you wouldn't
23 necessarily be saying let's go a step further and look into
24 groundwater. In fact, we're not seeing terribly high values
25 also, but I won't go too far out to characterize the data

1 until we actually follow through that process.

2 MS. CENEPA: And we're beginning the field work in
3 that.

4 NAVAL CO-CHAIRPERSON MORLEY: Okay. Cindy?

5 We have somebody from Tetra Tech to do a technical
6 presentation on the Taylor Boulevard Bridge.

7 MS. ROSE: Hi. My name is Cindy Rose. I'm with
8 Tetra Tech. I apologize, I don't have handouts, but we can
9 mail them to you or hard copy, whichever is best for you.

10 Tonight I'm going to be talking about the Taylor
11 Boulevard Bridge disposal site, which is IR site 30. And
12 I'll give a brief site history and then discuss the remedial
13 investigation which is ongoing at the site. And then just
14 briefly touch on what the next steps are after the remedial
15 investigation is complete. And then have question and
16 answer. So actually, if you could just save all of your
17 questions and answers until the end of the presentation, it
18 will go quicker that way.

19 So this is, I assume everyone is familiar with
20 Concord. This is the inland area, and then this is the
21 tidal area. And the Taylor Boulevard Bridge, Site 30, IR
22 site 30 is part of the tidal area. And you can see it is a
23 very small site. So that's just how it plays out in the
24 tidal area. It's a small wetland. It's less than an acre
25 in size, and it's a historic non-native municipal landfill.

1 It's probably from the old Port Chicago town. The date and
2 the source of the debris at the site is unknown right now.
3 The remedial investigation is in progress.

4 And there is a picture of the site. You can see
5 the bridge. And the site is adjacent to the Seal Creek
6 Marsh with this open water, and the depth of this open water
7 varies. And there is wetland vegetation. It's just along
8 the border of the wetlands.

9 So here are some more pictures. The site is
10 triangular. Like I said, it's small but it's triangular.
11 And this is looking down on the site. This is the area that
12 we have debris, this is where your debris is. There is a
13 peninsula on the site. I don't know. If you look at
14 your -- at the figures that are going around, you can see
15 the shape of the site. And the peninsula, the area that
16 sticks out, you can see that real clearly on the figure.

17 This figure kind of shows the vegetation. This is
18 your wetland vegetation, your pickle weed, and then --

19 NAVAL CO-CHAIRPERSON MORLEY: Cindy, excuse me.
20 We weren't looking there. Could you please point out the
21 site on the big map again one more time.

22 MS. ROSE: Okay. This is it, right here
23 (indicating).

24 NAVAL CO-CHAIRPERSON MORLEY: Okay.

25 MR. PINARD: Is the bridge right on Waterfront

1 Road there? Is that the bridge?

2 MS. ROSE: Yes. That's the one.

3 ADVISORY BOARD MEMBER RIVERA: We can't see it.

4 And you don't see --

5 MS. ROSE: And the bridge is -- You can't really
6 see it. The bridge is next to the road.

7 (Thereupon a short discussion was held off
8 the record.)

9 MS. ROSE: So those are just some pictures of the
10 site.

11 Okay. So now I'm going to talk about the ongoing
12 remedial investigation. And with the remedial
13 investigation, the objectives of the investigation are to
14 characterize the contamination, characterize the debris,
15 assess the ecological risk, assess the human health risk,
16 and then determine whether or not we need to do a
17 feasibility study.

18 So what we did to characterize the site of the
19 contamination, we collected sediment samples, and there
20 were -- we collected 48 surface samples across the site and
21 12 subsurface samples. And one of your figures, let's see,
22 one of the big blue ones, I'm not sure which -- Okay, the
23 other -- the one with the dashed line. This figure 2-1
24 actually shows the locations where the samples were
25 collected. There were 60 sediment samples in all, and those

1 were represented by the small round circles on your map.

2 And then there are the debris holes, which are
3 represented by the triangles. There were 22 of those. And
4 then we had three bioassays. Locations of bioassays are,
5 those are locations where we collected the sediment and we
6 took it to the lab, and then in the lab the critters that
7 live in the sediment, anthropods is what they are called,
8 were exposed to the sediment and we measured their survival.

9 So that's how -- And they adapt for ecological
10 risk as well as collecting tissue and -- pickle weed tissue
11 and anthropod tissue. So these locations are reflected,
12 these locations. And then the bars are locations where the
13 bioassays were conducted.

14 So that's what we -- It's quite a bit of data,
15 given the size of the site. It's a pretty small site. So I
16 think that there's been a lot of data collection on the
17 site.

18 So now I'll just kind of give you a summary of the
19 debris characterization, the dates, and like I said the
20 dates and source of the debris is unknown. But we have blue
21 glass and colored glass and ceramic fragments. There have
22 been bottles with dates in them, 1948. So the waste is
23 probably really old, 40 to 60 years old.

24 The debris is heaviest in the middle of the site,
25 this area right in here (indicating). So the horizontal

1 extent of the debris is actually probably about 180 feet by
2 about 180 feet. And the vertical extent is two to three
3 feet with the exception of a few areas which I'll show you
4 on this next slide.

5 So this is a figure of the three, just to show
6 you -- We did -- the test kits, they were sent down to about
7 three feet in most cases, not all the way -- So there are
8 two, an A pond and B pond, so these brown triangles
9 represent this trends out here, and while the B pond is down
10 here and those are represented by these blue triangles. And
11 you can see in the B pond line the debris is represented by
12 this -- But in these locations no debris was found.

13 So along with B pond, which is in the upper
14 portion of the site, there is very little debris, where you
15 can see the debris is concentrated on this peninsula and
16 right in this area. And we were actually not -- we didn't
17 actually characterize the full depth of the debris at some
18 of these locations. So, like I said, the debris is kind of
19 concentrated right here (indicating) in this area along with
20 a few select at the site.

21 So the next thing we did is we characterized the
22 chemical concentrations and there were elevated
23 concentrations, and that was specifically copper and lead,
24 similar to zinc, and the maximum concentrations of these
25 levels were in areas with the heaviest debris. So we also

1 looked at organic chemicals, but they were protected at very
2 low concentrations and were not really elevated above a
3 concentration that would be expected to pose any risk.

4 So I'll get into the ecological risk assessment,
5 and an ecological risk assessment is just where you ask are
6 there chemicals present inside the sediment adversely
7 affecting wildlife. So we were looking at -- These are the
8 receptors that we actually modeled at the site, the mallard,
9 the black-necked stilt, and the salt water harvest mouse.

10 So the first part of an assessment anyway is you
11 have to decide what you want to look at, what are the plants
12 and animals that are important to you, whatever you're more
13 concerned about. So, like I mentioned in the previous
14 slide, we were concerned about birds and looking at the
15 mallard and the black-necked still. We were concerned about
16 plants, so we were looking at the maintenance and protection
17 of wetland plants, and then we were also concerned about the
18 salt marsh harvest mouse, which is a threatened and
19 endangered species, which is why we're looking at the level
20 of the individual. The others we're looking at the
21 population levels, just because they're not a threatened and
22 endangered species, so it's -- we're protecting all the
23 population levels.

24 So now we have the assessment end points figured
25 out, and then we need to figure out how we're going to

1 measure adverse effects on those receptors. So that's where
2 we come up with the list of measurement end points. So the
3 measurement end points that we're using at the site, we're
4 using all the chemical data that were collected to
5 characterize the site, and we're comparing the chemical
6 concentrations, the ambient metal concentrations, which were
7 previously developed for the whole tidal area -- Those were
8 developed based on the non-impacted areas -- and also,
9 toxicity benchmarks.

10 They were taking -- We're using the bioassays and
11 comparing those to a Water Board reference site that -- and
12 we're also looking at the chemicals in the tissue samples.

13 So now, if you remember back to the assessment end
14 points, we were looking at plants, invertebrates, birds, and
15 mammals. So at this point, you quickly run through the risk
16 to each one of those receptors, summarize the risk, the risk
17 plan, and use the evaluation tools -- I don't know if I need
18 to read through all of those -- You can read them.

19 And then based on these tools, we looked at -- we
20 used all of them and came up with the conclusions that the
21 arsenic, copper, selenium, and zinc may pose risk to plants
22 at the site. The risk to invertebrates is a slightly
23 different set of tools, but we're still calculating how the
24 quotients and -- But we had a number of tools that we used
25 to measure the risks to invertebrates.

1 And the conclusions for that, we have copper,
2 lead, selenium, and zinc detected at concentrations that may
3 pose risk to invertebrates. It's slightly different, you
4 can see that lead wasn't on the plant list. So the
5 chemicals are slightly different.

6 Okay. Now, the risk to the birds and mammals we
7 used a food chain model. And what the food chain modeling
8 was for, you have to get a dose, a site-specific dose, and
9 you divided that by a toxicity reference level. So what
10 goes into the dose, you have your site sediment and your --
11 this is -- there is site-collected tissue, and you calculate
12 the dose of how much this end point receptor, how much
13 sediment does this receptor ingest, and how much prey does
14 this receptor ingest. And you calculate a dose based on
15 this is the dose in question. So we had our site-collected
16 sediment and tried to calculate our dose to our receptors.

17 So the conclusions of the food chain modeling were
18 there is a risk to aquatic birds from a number of chemicals,
19 arsenic, cadmium, copper, lead, mercury, selenium, and zinc.
20 And the same for the salt marsh harvest mouse.

21 And last, another component of the remedial
22 investigation is the human health risk assessment. So early
23 on in the process, lead was identified as a driver, as a
24 problem at the site. So the site was divided into two
25 areas, and there is a figure, the non-colored figure that I

1 passed out, showed the two areas. And that was divided
2 using the lead, the preliminary remediation goal for lead,
3 which is 400 ppm. So everything that was greater than 400
4 ppm is in your grey-shaded area. And that portion of the
5 site was evaluated and then the remainder of the site was
6 also -- a separate evaluation was done for the remainder of
7 the site. So there were two human health risk assessments
8 that went on.

9 So basically, it's a screening level approach
10 where we compared the site concentrations to the PRGs, the
11 preliminary remediation goals, and we used the 1999 EPA
12 Region 9 residential PRGs.

13 And the conclusions are that within the lead high
14 spot, there is risk from lead that requires further action,
15 and also from other chemicals. But outside of the lead
16 isopleth, there does not require any additional work for
17 lead or other chemicals. So it's -- The human health risk
18 is pretty much -- it's bounded by the lead as you can see on
19 the map, lead concentrations greater than 400.

20 And this is the final map, which is figure 2-3.
21 And then this is really the conclusion of the remedial
22 investigation. We went -- Well, it's a draft final of the
23 remedial investigation that is currently out. We just went
24 location by location and then just plotted where there was
25 risk to one of those receptors, so you can see that at these

1 locations, you have risks, you have risk to plants, you have
2 risk to humans, you have risk to the mouse and you have
3 risks to birds, whereas up here or out here you don't have
4 risks to any of those receptors.

5 So you can see, again, and you remember back to
6 where the debris is most concentrated, your risk is also
7 obviously where you have the most concentrated -- where your
8 debris is most concentrated. So this is pretty much the
9 conclusion of the remedial investigation. It shows the
10 location of -- kind of the location and receptor where there
11 is risk.

12 So what is next? We haven't really looked at
13 groundwater at the site, so we're going to install some
14 monitoring wells and just characterize groundwater. And
15 also, do a better characterization of the vertical extent of
16 the debris along the peninsula where we were unable to go to
17 depth during the previous investigation.

18 And then complete the RIFS to determine whether or
19 not, if an FS is needed. So we'll all probably end up where
20 there will be a removal of a -- looking like there will be
21 some kind of removal of debris at the site, and we've just
22 not determined if that is down to that.

23 So that's it. Questions and answers? Questions?

24 MR. FORSBERG: When you said removal, where will
25 you remove it to --

1 THE REPORTER: Sir, I can't hear you.

2 PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

3 FORSBERG: Where is the contaminant going to be moved to?

4 MS. ROSE: Offsite disposal.

5 PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

6 FORSBERG: Does this go to Utah or Kettleman or one of
7 those --

8 MS. ROSE: All I know is just offsite. I don't
9 know where.

10 MS. CENEPA: It depends on the classification of
11 waste. If it's a --

12 PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR

13 FORSBERG: I mean, lead typically goes to Kettleman or Utah.

14 MS. CENEPA: Right. It would go to the
15 appropriate landfill that accepts the classification of
16 waste that it is.

17 MS. HOFFMEISTER: What is the time frame that you
18 expect for this next step that you've identified?

19 THE REPORTER: Miss, if you can ID yourself.

20 MS. HOFFMEISTER: Laura Hoffmeister, Concord City
21 Council.

22 MS. ROSE: The next step for the characterization
23 of the groundwater and the debris will probably be in early
24 spring 2003, and then based on that, complete the RI, move
25 forward, or the FS, whichever.

1 I think the plan is just to put together an
2 addendum or summary to the existing RI. We already have the
3 draft final RI that's out there, so just kind of add an
4 addendum based on this new data, and review the conclusions
5 of the draft final, I'm not sure that we'll have a whole new
6 report, RI report.

7 MS. HOFFMEISTER: But sometime you say summer,
8 fall it should be -- that addendum should be completed,
9 based upon --

10 MS. ROSE: Yes.

11 MS. HOFFMEISTER: But, I mean, there's nothing out
12 of the ordinary that you're not already looking at or
13 looking into?

14 MS. ROSE: No, no.

15 ADVISORY BOARD MEMBER RAMSEY: Cindy, if you'd
16 like, I'm looking at the SMP, the schedules from the Navy.

17 Do you want a more specific answer?

18 MS. HOFFMEISTER: No, that was fine.

19 ADVISORY BOARD MEMBER RAMSEY: Okay.

20 MS. HOFFMEISTER: I just want to get a general
21 sense of the time line.

22 ADVISORY BOARD MEMBER RAMSEY: What I wanted to
23 elaborate for Mr. Forsberg, and just like, you know, it's
24 like, well, the final RI report is October. And then we
25 have a draft FS report, which is the identification and

1 analysis of alternatives to be considered as actions to the
2 site. The draft feasibility study report is scheduled now
3 in a preliminary state, it's at March '04.

4 And again, the way the Superfund process works,
5 there is no predetermine, you know. The Navy, in fact -- a
6 brief history, there were discussions years before for this
7 site for the Navy to do a removal action, and then that has
8 changed, and now we're going through the more complex
9 process-wise RIFS.

10 And so I at several times reminded the Navy, you
11 know, you can't say you're doing a removal. That's when you
12 were doing a removal action. We're now doing the RIFS.
13 We're still in the RI phase. We don't know what the
14 alternative will be, but the Navy had originally, and
15 they're actually considering as a favorable alternative, to
16 dig this stuff up, which we would support, if that's the way
17 the data and everything indicates.

18 And, of course, always through legal offsite rule,
19 there's a Superfund offsite rule for where these materials
20 go to and things like that. We generally work with the Navy
21 to make sure that's done.

22 NAVAL CO-CHAIRPERSON MORLEY: Does anybody else
23 have any comments or questions on the presentation?

24 Marcus, did you want to discuss the rules of
25 operation?

1 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. I'll
2 introduce the folks. The Concord RAB was founded
3 essentially in the mid-1990s, and it went on and on for a
4 long time without any bylaws whatsoever. But I think the
5 first version of the RAB finally got a bylaws committee, I
6 believe, and I haven't actually looked this up in quite some
7 time, but I think it was about six months after they
8 started.

9 And they went through this long process of
10 bringing bylaws back to the group, and then they provided
11 this, and nothing ever finally happened. This was a
12 potential process.

13 So they pretty much ended their tenure in about
14 1999, very early 2000 I guess. Anyway, so they ceased
15 existing and they didn't have any bylaws. So we started up,
16 we didn't inherit any bylaws. So we, I guess in the first
17 part of this year got a Rules and Operations Committee
18 together, which consisted of various people. There were a
19 couple of meetings and different members of the RAB showed
20 up at different times. I think most of the community
21 members at one time or another were part of that committee.

22 We ended up looking at a lot of different bylaws
23 for different RABs across the country which we downloaded
24 off the Internet. And eventually it was recommended to us
25 that we look at the Presidio's bylaws. Because the Presidio

1 had been one of, supposedly what we were told, was some of
2 the best bylaws in the United States. The reason for that
3 is that the property was an extremely valuable piece of
4 property, and there were a lot of opposing views upon what
5 should be done with that property, and that was a hot
6 potato, in other words. And there were toxic issues there
7 and, anyway, just a whole lot of stakeholders.

8 And the bylaws pretty much came out of the
9 crucible of controversy there. And they were also
10 formulated by some of the best law firms in San Francisco.
11 And there are a lot of \$250-and-more-an-hour lawyers who
12 worked on this set of bylaws to come up with them. So they
13 were represented to us as being pretty outstanding. We
14 looked at them and we thought they were too compared to
15 other things that we've seen.

16 So we took those bylaws and we sat down and went
17 through them page by page, actually word by word, and
18 altered them as we saw fit, which basically was changing
19 the -- mostly name changes and putting in Concord instead of
20 the Presidio and stuff like that. But we also did some
21 other little, you know, some minor tweaks. There wasn't
22 anything really major here. But that's pretty much where we
23 stand right now.

24 I guess I don't know exactly how the Committee
25 would like to work on this. I guess we could perhaps all

1 talk a little bit about it, get a sense of what our feelings
2 or what our issues are with this that we think might need to
3 be addressed, and if those can be -- if we can do amendments
4 within this meeting here to fix the bylaws, I would
5 personally like to see them approved and just get on with
6 the process.

7 That was the consensus of the Rules Committee. We
8 thought that we could just get these things out of the way,
9 we'll amend them as we go on in the light of experience and
10 not get hung up on these. Because our real issues here are
11 toxic issues, they're not bylaws issues.

12 But I can see that recently, in light of some of
13 the things that have happened recently there is some
14 controversy around the procedures. So I'd like to get a
15 consensus. I'd like to sort of talk among ourselves and
16 find out how we all feel about this, what our issues are.
17 Perhaps we want to start a committee, take it back to
18 another committee and have them go through it. I would hate
19 to see that process just go on in a potential way. It has
20 to end at some point, and we've got to get on to actually
21 doing remediation things and not get bogged down in the
22 bylaws.

23 So I'll leave it open to the floor, open to
24 discussion.

25 NAVAL CO-CHAIRPERSON MORLEY: And I didn't have a

1 chance to go through them all because there were 22 pages,
2 but one of the things that I saw that struck me was that the
3 Presidio is a closing base, and there was a lot of guidance
4 verbiage and things that I don't think are applicable to an
5 operating base. So I would like to go through that to
6 remove some of that stuff, because I don't think that those
7 sections are applicable to the operating base.

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: Could you
9 give me an example?

10 NAVAL CO-CHAIRPERSON MORLEY: I don't know if I
11 can find it in here, but one of them was just under your
12 writings where it has the name and authority of the
13 instructions, and all of these are -- like, letter K, the
14 fast track map at closing installations, that anything that
15 came from that guidance wouldn't be applicable.

16 And I think there were some things where it
17 mentioned the word --

18 ADVISORY BOARD MEMBER TANASESCU: I'm sorry,
19 Theresa, could you tell us what page you're on so we can
20 follow with you.

21 NAVAL CO-CHAIRPERSON MORLEY: Sure, I am on page
22 two of 17 under the Name and Authority. If you look at some
23 of the authorities, it references closing bases as its
24 guidance. And, in particular, I think I saw the word
25 "reuse," which reuse normally applies to when the base is

1 closing, there is the Reuse Committee and the environmental
2 coordinator and they work on those issues where anything
3 having to do with reuse would not apply to this RAB.

4 So I wanted to go through and kind of look for
5 stuff like that.

6 COMMUNITY CO-CHAIRPERSON O'CONNELL: How long do
7 you think it will take you to do this, Theresa? The Navy is
8 a really important part of this. I'd hoped that you would
9 have read it by tonight and be able to give us your
10 comments.

11 I wouldn't mind removing K. I mean --

12 NAVAL CO-CHAIRPERSON MORLEY: Okay. I probably
13 could do it in a week, or I don't know what everybody else
14 feels --

15 ADVISORY BOARD MEMBER FREITAS: Yeah, I think we
16 need at least a week.

17 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. Shall
18 we just go one by one? Do you have any others, Theresa?

19 NAVAL CO-CHAIRPERSON MORLEY: I did and I forgot
20 where they are.

21 Oh, there is this one where it had the Navy was
22 only limited to one person. The DOD guidance says that
23 there is actually the Navy co-chair and then the EFD
24 representative, so there would be two Navy members on the
25 RAB.

1 COMMUNITY CO-CHAIRPERSON O'CONNELL: Yeah, the way
2 this is set up there is one voting member from the Navy and
3 two from EFD. We'll have the RPM as well as the two -- so
4 there are two members, but one is a --

5 NAVAL CO-CHAIRPERSON MORLEY: Well, I guess that's
6 two --

7 COMMUNITY CO-CHAIRPERSON O'CONNELL: -- just
8 because there's one from EPA and other groups there.

9 ADVISORY BOARD MEMBER FREITAS: Basically, I think
10 this is an awful lot of bylaws and material to have to go
11 over. I mean, I've gone through some other bylaws and my
12 husband pulled up quite a few others on the computer, and
13 there are some that are much more simplified.

14 I don't know why we need to have it so technical.
15 I mean, we've got so many documents and other things that we
16 need to review and work that needs to be done, but I don't
17 understand why this has to be such a technical piece of
18 work.

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay.

20 Should we just head around in sort of an orderly
21 way, maybe? Would that be possible?

22 Do you have anything, Ed, to add to this?

23 ADVISORY BOARD MEMBER McGEE: Not yet.

24 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay.

25 ADVISORY BOARD MEMBER TANASESCU: What was Ed's

1 comment?

2 NAVAL CO-CHAIRPERSON MORLEY: Not yet.

3 ADVISORY BOARD MEMBER TANASESCU: I may have some
4 more later on, but overall I thought it was a pretty good
5 document in terms of safeguarding the public's right for
6 participation.

7 One of the things that I'm still unclear about
8 because, again, I'm hearing different things about land use.
9 And I understand, the Navy says, yeah, people may have long-
10 term plans that aren't going to materialize, but then again,
11 you did mention that even though it's not an RI site, there
12 indeed is something in the works that Concord is going to be
13 purchasing a portion of land. I imagine it's the piece over
14 by Willow Pass Road.

15 But it's still -- There was something earlier
16 said --

17 MR. SMITH: Yeah, the piece of land that is being
18 focused on by the City of Concord is a little 45-acre
19 stretch of land that is near where the airport is. So I
20 guess that is Willow Pass Road. Yeah, that's probably
21 exactly where you're talking about.

22 ADVISORY BOARD MEMBER TANASESCU: So, I mean, on
23 one hand, even though it's not an RI site, it's still part
24 of the base that's being given to another public agency.

25 MR. SMITH: And here is where we have the

1 difference between a base that is closing down and being
2 BRAC'd or what have you, where all these issues are
3 important because the entire base is going to become public
4 property or, you know, the fence is going to be picked up
5 and people will be moving across it at will, and, therefore,
6 anything happening on that base has -- and any reuse
7 alternatives have direct impact on the restoration process.

8 But when the base is not being closed down, the
9 fence lines are still going to be there. You don't have
10 that same requirement or need.

11 ADVISORY BOARD MEMBER TANASESCU: There's more to
12 what I was going to ask --

13 MR. SMITH: Oh, I'm sorry.

14 ADVISORY BOARD MEMBER TANASESCU: -- in terms of
15 the administrative areas, we're talking about joint use over
16 there. And that sounds like something that's absolutely
17 going to happen, and that's in the center of the base.

18 So, I mean, I know it's not a closed base, but
19 some of those issues still apply.

20 MR. SMITH: Yeah, and I think, because, again, I
21 don't want this to become another avenue for joint use,
22 because there is a separate process for that. I definitely
23 think that whenever we have any areas of proposed joint use
24 that are either on or adjacent to any sort of restoration
25 site, that's certainly something that the RAB is going to

1 want to look at.

2 But if you've just got -- You know, this is a huge
3 base. This is 13,000 acres, and just because you've got one
4 area over here and you're going to have some joint use over
5 here, there's no reason to get involved in that sort of
6 thing, especially given all the other stuff that this RAB
7 already has on the table and is going to need to look at.

8 ADVISORY BOARD MEMBER TANASESCU: But it's those
9 issues that we just mentioned as to why I would want to keep
10 this language in here.

11 MR. SMITH: Well, you can't say reuse, because
12 reuse is an incorrect term for what's going on. There is
13 not going to be any reuse. There is joint use, but only
14 joint use for certain sections of the base, not joint use
15 for the entire base plan in this.

16 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, this
17 is -- the problem we have here, of course, is that this is a
18 unique situation in that sense of the joint use, so we have
19 no guidance from anywhere. You have no guidance from
20 anywhere on this as well.

21 So we're sort of all trying to deal with this
22 unique situation, and I think that using the close dates is
23 about as close as you can get to joint use, at least from
24 what's available to us.

25 MR. SMITH: Well, I think the best -- If I can

1 throw out some advice on this, I think that, as I said
2 previously, anytime you've got an area that is being
3 proposed for joint use and it's adjacent to or on top of an
4 area that is an installation restoration site, then the RAB
5 certainly would want to look at that.

6 But if that's not the case, then I don't think
7 joint use has anything directly to do with the RAB. Unlike
8 a closed base, where the whole base is going to go to the
9 public, and, therefore, anything that happens on the base is
10 going to, you know, in terms of reuse, you know, the RAB is
11 going to want to discuss. That again is where you have
12 something, you know, that's made for a RAB base, the
13 Presidio, and not applying to a base that is not being shut
14 down.

15 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, I think
16 what we have here is it's a matter of different opinions.

17 MR. SMITH: Yeah.

18 COMMUNITY CO-CHAIRPERSON O'CONNELL: There's no
19 real rules about this, so maybe we can just go on and
20 replace the terminology.

21 MR. PINASCO: Jim Pinasco, DTSC. Greg, I don't
22 have any real comments on the charts, but I have a question
23 concerning what are the authorities for the joint use versus
24 the authorities on a closing base?

25 MR. SMITH: I'm not sure what you mean by

1 authorities.

2 MR. PINASCO: They have to have authority to have,
3 or laws or a process, maybe process was a better --

4 MR. SMITH: Yes, and there is a process that's set
5 up that goes between a whole ton of different organizations,
6 everybody from literally the Chief of Naval Operations on
7 down on the Navy side, and Congressman George Miller's
8 office, the City of Concord, and the County of Contra Costa
9 are the primary big players.

10 So I'm not quite sure what you mean in terms of
11 any -- Well, let me start from scratch. Any joint use
12 decision on a military base has to go very, very high up the
13 chain. It's not something that a commanding officer can
14 just go and say, well, gosh, we're not using this section of
15 the base, I think I'll let Contra Costa County use it.

16 This is a decision that has to be made -- Boy, I
17 want to say, I'm not positive this is correct, but I believe
18 that it's, like, at the Assistant Secretary of the Navy
19 level has to make the final determination. So, I mean, it's
20 pretty high up the chain.

21 COMMUNITY CO-CHAIRPERSON O'CONNELL: But let me
22 add, let me interject, the authority for this comes from the
23 paragraph on the military's appropriation budget for 1999
24 that establishes the Joint Use Committee, but really gives
25 no detail whatsoever. And that's literally the only

1 authority, legal authority that exists.

2 MR. SMITH: That's right. What Marcus is talking
3 about was basically something that I believe was -- Well,
4 I'm not sure if it was part of an authorization or
5 appropriations bill that was a rider, but it dictated that
6 the Navy and the county and the city would get together to
7 study the potential for joint use, which is what is going on
8 right now.

9 And, in terms of, yeah, there is no legal guidance
10 saying that anything has to happen beyond that point.

11 Does that answer your question, Jim?

12 MR. PINASCO: I think so, thank you.

13 COMMUNITY CO-CHAIRPERSON O'CONNELL: Philip.

14 ADVISORY BOARD MEMBER RAMSEY: I have no comments
15 on your bylaws, Marcus. EPA doesn't. We kind of step aside
16 and let the -- but it's really a Navy and a RAB entity, you
17 know. We did provide some samples. As Evelyn had raised, I
18 have worked at other bases, and some of the facilities I
19 worked on I actually started, you know, six or seven years
20 ago in BRAC working on three bases.

21 Two of those facilities started a RAB back in '96.
22 They're still operating -- Point Miladi and Oakland Army
23 Base. And they went through the process to develop their
24 bylaws, and I think I provided, I tried to use them for
25 examples for you and provide references for you to talk to

1 people about.

2 So I'll leave it to you guys.

3 COMMUNITY CO-CHAIRPERSON O'CONNELL: I'm going to
4 restrict conversation, by the way, right now to RAB members,
5 so Tom, if you don't mind, I'll go to the other RAB members.

6 MR. PINARD: Oh, no, that's fine.

7 COMMUNITY CO-CHAIRPERSON O'CONNELL: Gil?

8 ADVISORY BOARD MEMBER RIVERA: I took a cursory
9 review of the document you provided, and my initial take
10 when I went through it, looking at the references, there
11 seemed to be some contradictions there in the establishment
12 of the RAB, particularly because of the references to base
13 closure communities.

14 COMMUNITY CO-CHAIRPERSON O'CONNELL: Now, if
15 there's only K -- K is the only one I see --

16 ADVISORY BOARD MEMBER RIVERA: I started on page
17 two. Well, I'm referring to page two and the authorities,
18 and so on.

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: So on item K,
20 and do you see any others besides item K in that list?

21 ADVISORY BOARD MEMBER RIVERA: Let's see, there's
22 item B, item K, and item C. And, like I just stated, this
23 is just my cursory review.

24 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, you
25 realize, of course, that these are the fundamental documents

1 for RABs, not for base closure situations, but for
2 establishing RABs.

3 ADVISORY BOARD MEMBER RIVERA: Yeah, I'm not
4 speaking to that, I'm not disputing that.

5 MR. SMITH: Just as a back up, RABs were first
6 created and designed to only be at bases that were going to
7 be closed, and so all the original documentation was just
8 for bases that were being closed. And then after the DOD
9 started doing this for a while, they went, hey, wait a
10 minute, this is kind of cool. Let's expand the RABs and
11 start having them at the bases that aren't being closed.

12 And so, unfortunately, a lot of the guidance is
13 for bases that are being closed. And I'm not sure if there
14 is any separate guidance out there for bases that are not
15 being closed.

16 COMMUNITY CO-CHAIRPERSON O'CONNELL: I don't know
17 the difference, when I look at bylaws out there. I don't
18 see any difference between the bylaws for RABs for bases
19 that are closing and those that are ongoing. I've never
20 seen -- What are the distinctions?

21 MR. SMITH: Again, it all has to do with what the
22 base is being used for. If you've got a closing situation,
23 and there is a chance that a public park or a nursery school
24 or something is going to be on that site, just to give one
25 example, you know, there is going to be a higher level of

1 cleanup you're going to do than if that site is going to be
2 inside a fence line.

3 COMMUNITY CO-CHAIRPERSON O'CONNELL: Correct, as
4 far as the bylaws go --

5 ADVISORY BOARD MEMBER O'BRIEN: Yeah, how does it
6 affect the language of the bylaws?

7 MR. SMITH: Oh, I'm sorry. No, that's a good
8 question. Again, it has to do with, as I discussed
9 previously, the amount of time you're going to spend on
10 joint use, you know, versus reuse type of stuff.

11 COMMUNITY CO-CHAIRPERSON O'CONNELL: I think we
12 should keep focused on the fact that we're dealing with
13 things like officers and committees, and how we organize our
14 meetings and agendas and things like that. And there's
15 very, very little in here that has anything -- specifies
16 anything about, you know, whether it closes.

17 I don't see that there's -- that that makes any
18 difference for this. If anything, it would be the topics of
19 conversation that might come up in the future that might not
20 be appropriate, but I think for the discussion of bylaws I
21 really don't -- unless you want to leave off these
22 references. But, as I said, some of these references have
23 to do with the very basic core idea of a RAB.

24 MR. SMITH: Yeah. I think what we need to do,
25 and, as Gil said, he just had a cursory look, and the first

1 chance I had to look at this, Marcus, was on the plane on
2 the way up here this afternoon. But I think we even need to
3 look and see whether or not this is, you know -- these are
4 specifically dealing with closing bases or if they're more
5 generally and were just called, had the word base closure in
6 them, because at the time that they were written that's what
7 people were talking about.

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. Let me
9 go -- Gil, any more comments?

10 ADVISORY BOARD MEMBER RIVERA: Yeah. In general,
11 I looked at that extensive list of references, then I
12 started looking through the document. And based on my
13 cursory review, there appear to be some contradictions
14 between the references and the text that actually appears in
15 the bylaws.

16 So what I would like to see is some time
17 allocated, at least to the Department of the Navy for
18 review, so we could pull together the references and see how
19 they relate to the text of the bylaws. And perhaps
20 reconsider some of the language in here so that we're
21 consistent with the requirements. If you want to use the
22 requirements, I believe consistency is important.
23 Otherwise, you could get yourself into a hole where you
24 can't move forward or backward.

25 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, I would

1 add that these have gone through -- they have been approved
2 by the Department of Defense installations, and I'm sure
3 that they got much closer to -- in a much hotter situation
4 than here, but anyway, sure.

5 ADVISORY BOARD MEMBER RIVERA: I'm fine with that.
6 I'm not disputing what you're saying at all, but you're
7 asking me to look at these on behalf of EFA West, and no
8 problem signing on the dotted line. I can't do that. I
9 need to look at how these references apply to the text, and
10 then once that's done we can move ahead.

11 COMMUNITY CO-CHAIRPERSON O'CONNELL: How long do
12 you think that would take the Navy to do?

13 ADVISORY BOARD MEMBER RIVERA: It's a bad time,
14 primarily because we're working on finalizing budgets and
15 things of that nature, so we're pretty swamped right now.
16 So I would guess by the next RAB meeting might be the most
17 appropriate time, and we could come up with comments by
18 then.

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: Any more
20 comments, Gil?

21 ADVISORY BOARD MEMBER RIVERA: Yeah. What I'd
22 like to do also is have, or request that Navy environmental
23 counsel at EFA West look at these as well as the specialist
24 who briefed the RAB on the duties and responsibilities of
25 the RAB from Southwest, that they also take a look at the

1 test.

2 I'd rather have all these people look at it, do
3 whatever reviews they need to do, and essentially put their
4 stamp of approval or generate questions so that we can
5 proceed, you know, once we have this document we'll just
6 move on.

7 ADVISORY BOARD MEMBER O'BRIEN: Can this be done
8 by the next meeting?

9 ADVISORY BOARD MEMBER RIVERA: Speaking for
10 myself, yes, but there's -- environmental counsel, I can't
11 tell the lawyer what to do, and I have to touch base with
12 the Southwest Division expert on RAB duties and
13 responsibilities and see what his schedule looks like.

14 But I will do that, I will make that inquiry this
15 week and try to get a milestone to Theresa so she can pose
16 it.

17 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay.

18 ADVISORY BOARD MEMBER MEILLIER: Laurent Meillier,
19 Regional Water Quality Control Board. I don't have any
20 comments for the bylaws, first because they were given to me
21 today and I haven't had time to review them, and second,
22 because I believe also that it is a procedure that is
23 involving the Navy and the RAB and I believe that regulatory
24 agencies don't really have a strong involvement in those
25 type of issues, I would think.

1 ADVISORY BOARD MEMBER O'BRIEN: Well, I would like
2 to bring up another issue really that the Navy has refused
3 to recognize, and that is the integration of studies. And
4 we've been talking about this for a long, long time. I got
5 a cursory acknowledgment from the Navy in San Bruno, but if
6 we're to follow the language that we've been talking about,
7 Greg, the archaeological study that's been done and the
8 habitat study, both of those could conceivably affect the
9 environmental cleanup areas.

10 Now, what I would like to see is really an overlay
11 map of the areas of archaeological concern, and the toxic
12 cleanup areas. That hasn't been done.

13 NAVAL CO-CHAIRPERSON MORLEY: Ray, I'm sorry, did
14 you say the integration of sediments?

15 ADVISORY BOARD MEMBER O'BRIEN: No, the
16 integration of studies.

17 NAVAL CO-CHAIRPERSON MORLEY: Oh, studies, okay.

18 ADVISORY BOARD MEMBER O'BRIEN: Okay.

19 MR. SMITH: I'm not sure why you're -- This is --
20 You probably want to be talking to either Theresa or Gil
21 about that. That's not something I'm directly involved in.

22 ADVISORY BOARD MEMBER O'BRIEN: Okay.

23 NAVAL CO-CHAIRPERSON MORLEY: And I'm a little bit
24 unclear. What do you mean by the integration of studies?

25 ADVISORY BOARD MEMBER O'BRIEN: Well, there has

1 been a habitat study, there has been an archaeological
2 study, but somehow the Navy keeps telling us these are none
3 of our business. But I believe they're very, very much
4 involved with our mission here.

5 NAVAL CO-CHAIRPERSON MORLEY: So do you want to
6 see if this habitat that was looked at or the archaeological
7 study overlay any of the IR sites?

8 ADVISORY BOARD MEMBER O'BRIEN: Right.

9 NAVAL CO-CHAIRPERSON MORLEY: Okay.

10 COMMUNITY CO-CHAIRPERSON O'CONNELL: I think that
11 Appendix A actually, Ray, covers a lot of that.

12 ADVISORY BOARD MEMBER O'BRIEN: Good.

13 COMMUNITY CO-CHAIRPERSON O'CONNELL: It says that
14 these are an integrated poll. When we do cleanups, we have
15 to be conscious of the cultural resource values that might
16 be there or to have of course the habitat values with that
17 in terms of ecological risk. So I think you'll find it's in
18 there.

19 I'd like to skip over you guys but I'll come back
20 to the public comment afterwards, but first the RAB
21 comments. Mary Lou?

22 ADVISORY BOARD MEMBER WILLIAMS: Well, I'm a
23 little bit confused here. I don't understand how we can
24 consider amending bylaws when we haven't even adopted the
25 bylaws to amend. I see no mechanism in here as to when

1 they're presented to the voting members, how long they have
2 to respond, to comment. Normally, according to Robert's
3 Rules, the voting members must have the bylaws in their
4 possession a minimum of 30 days before the vote. None of
5 that is in here.

6 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. Let me
7 refer you to page 16 under Amendment.

8 ADVISORY BOARD MEMBER WILLIAMS: What have you got
9 on page 16?

10 COMMUNITY CO-CHAIRPERSON O'CONNELL: Amendment.
11 You have 14 days but not more than 60 after distribution.

12 ADVISORY BOARD MEMBER WILLIAMS: Okay. But we
13 still -- Why are we amending something we've never adopted?
14 We can't.

15 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, we are
16 actually adopting -- the idea is to adopt these at this
17 point.

18 ADVISORY BOARD MEMBER WILLIAMS: Tonight?

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well,
20 whenever. Whenever the -- We're not working on amending
21 anything, we're working on adopting something.

22 ADVISORY BOARD MEMBER WILLIAMS: Well, you're --
23 Okay, you're calling it the Rules -- I just want to make
24 sure that we're doing this the right way, and I know that
25 you're very concerned about the proper --

1 COMMUNITY CO-CHAIRPERSON O'CONNELL: Do you have
2 any suggestions?

3 ADVISORY BOARD MEMBER WILLIAMS: Yeah, I have
4 suggestions, like I happen to have suggestions on why are we
5 being so micromanaged? Why are we being so focused on the
6 fact that we're bringing all of these duties for the Navy?
7 Don't they have a say-so on what their duties are?

8 I just have a problem with 17 pages, 18, 19, I got
9 20 pages on a single sheet. I just -- You know, this is
10 almost as big as the Constitution of the United States.
11 Yeah, I know all the parts --

12 COMMUNITY CO-CHAIRPERSON O'CONNELL: This is the
13 guidance that has to do with the RABs. This specifies all
14 of the things -- Those long lists that you see --

15 ADVISORY BOARD MEMBER WILLIAMS: Yeah, I know
16 you've done all this --

17 COMMUNITY CO-CHAIRPERSON O'CONNELL: -- They all
18 were pulled right out of here. I didn't -- I can assure you
19 they are. I haven't actually -- Those came from the
20 Presidio RAB, but we were looking at others, we were trying
21 to do it ourselves. We ended up having to do the same list,
22 because that's what's given by the DOD guidelines.

23 ADVISORY BOARD MEMBER WILLIAMS: But there are
24 some RAB bylaws that are a three-page paper.

25 COMMUNITY CO-CHAIRPERSON O'CONNELL: There are

1 some that are literally one sheet of paper.

2 ADVISORY BOARD MEMBER WILLIAMS: This one, I think
3 we're too micromanaging on this. I really and truly do.
4 And we're going to paint ourselves right into a corner. We
5 need to be -- In the olden days, a lot of the stuff was
6 under what they used to call regulations. I think we've got
7 way too much in the bylaws, and you can actually implement
8 the operations in the regulations part of it, which you can
9 change easily. You can change your regulations much easier
10 than if you want to amend your bylaws.

11 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, we
12 don't -- The regulations that we deal with are handed down
13 by Congress and by the EPA -- not the EPA, by the Navy, and
14 folks like that, DOD. We can't -- We're stuck with those.
15 We don't amend those.

16 ADVISORY BOARD MEMBER WILLIAMS: Well, the term
17 regulations doesn't -- I mean, it has a different
18 connotation today, but it used to be Constitution, bylaws,
19 regulations. And the regulations were kind of your SOP.
20 The Constitution was kind of like your, what do we want to
21 call it today, your mission statement. Then your bylaws are
22 there, but then how you implement the bylaws was under the
23 section that used to be called, and I'm referring back into
24 the '70s and '80s, was regulation. And that was very --
25 That told you what to do.

1 This is -- In order to change any of this, you've
2 got to go through a great big long procedure. Regulations
3 can be changed as long as it's agendized. Right now it can
4 be changed. I think this is too tight.

5 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay.
6 Evelyn?

7 ADVISORY BOARD MEMBER FREITAS: I think some of
8 the community co-chair responsibilities, it gives too much
9 control to community co-chair, and --

10 COMMUNITY CO-CHAIRPERSON O'CONNELL: Again, those
11 duties come directly from federal guidance. It's nothing
12 I -- I want to be sure you understand it's nothing that I
13 made up or put in there.

14 ADVISORY BOARD MEMBER FREITAS: But I think they
15 can be loosened up. I think they're too tightly put into
16 this. It's pretty much where you have the say on who comes
17 into the RAB and looking over the applications before it
18 goes to the RAB membership, et cetera.

19 One of our applicants did show up tonight, Igor,
20 and I'm a little embarrassed that, you know, through all
21 this tonight, you know, I think we should extend some sort
22 of hospitality that this man has shown up, wants to be on
23 the RAB, and I think he really should be invited into the
24 RAB. We need community members. And the way this document
25 is put up, we're not going to vote on it for another month.

1 We're not going to be able to do the processing for new
2 community members for another month, and it's the same stuff
3 that's been going on for a year.

4 You know, this -- We need to be working together
5 and we need to just kind of simplify the way we work and the
6 way we do things. I can see if you're talking about the
7 documentation and what the Navy is doing or what the -- you
8 know, what things are coming out that affect the whole
9 processes of the cleanup and the documentation, but as far
10 as how the RAB is run, I think it should be a little bit on
11 a more, I don't know, a simplified scale.

12 I just don't think we need all these rules. My
13 God, if I had a question, it would take me an hour to go
14 through and find out what it is I had to do to ask a
15 question and get it rectified. And I don't think it should
16 be that hard.

17 COMMUNITY CO-CHAIRPERSON O'CONNELL: Any other
18 comments?

19 ADVISORY BOARD MEMBER FREITAS: I'll pass on any
20 further comments.

21 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. Let me
22 open it up to the public.

23 NAVAL CO-CHAIRPERSON MORLEY: Yeah, let's do that.

24 MS. HOFFMEISTER: Yeah. Marcus, I wasn't quite
25 sure when I read through here, you had a membership

1 committee that would look at new participants that would
2 want to come on. But I was missing, or maybe I just can't
3 find it in the page because I did just pick this up here
4 this evening, who would be the Membership Committee? It
5 appears it's at least the community co-chair, or presented
6 to the community co-chair and to the Membership Committee,
7 and I didn't see a definition or explanation as to who is
8 the Membership Committee.

9 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, that
10 would be a good question, and --

11 MS. HOFFMEISTER: Okay, so it is not in here,
12 then?

13 COMMUNITY CO-CHAIRPERSON O'CONNELL: It is not
14 specified, and it was actually -- It has a history to it.
15 It just recently became a controversy within the last few
16 weeks about membership. And this is one area that the Rules
17 and Procedures Committee actually was going to rule out a
18 Membership Committee entirely, and I left it in.

19 I thought that perhaps the Membership Committee,
20 if we were to approve these, let's say tonight, as early as
21 tonight, the Membership Committee could meet and formulate a
22 method for, or let's say some criteria for members to ensure
23 the diversity, that we're reaching out to all segments of
24 the community. There are ways that it's done in other
25 communities, but since they have a grid --

1 MS. HOFFMEISTER: No, I just -- Yeah, I just was
2 kind of looking through it and it kind of stood out at me,
3 because you were very specific in other areas about a two-
4 thirds vote for this, 40 percent for that, and who was that
5 makeup group, but yet a Membership Committee was
6 blatantly -- I couldn't find anything defining it or who
7 that would be, whether it was five members of the group as a
8 whole that would be selected and would serve for that year's
9 period of time as the membership committee.

10 And it seems to me that you could get into a lot
11 of needless discussion and debate over that because there's
12 nothing that's clear, even for people to discuss here
13 tonight or in the future to determine if that's something
14 that they would want to have in terms of that structure.
15 And not having it be clearly articulated as to what that
16 vision is, leaves it really open to a lot of debate and
17 squabbling later. And I think -- So if there was a mention
18 as to what that would be, you probably would want to put
19 that in writing and see if the group supports that or
20 doesn't like how that's put forth.

21 And then under Conflict of Interest, which is
22 whatever it is, section -- Well, it's on my page seven, but
23 I don't know what page it's on down there. I printed it off
24 on the computer, so --

25 COMMUNITY CO-CHAIRPERSON O'CONNELL: Page seven of

1 the bylaws.

2 MS. HOFFMEISTER: Yeah, page seven under Conflict
3 of Interest. I wasn't clear on that, and I don't know, and
4 maybe that's something for the legal beagles to take a look
5 at. I think there was an offer, if I understood it
6 correctly, that there was -- the attorney or somebody over
7 there was going to take a look at this, and it says that a
8 conflict of interest would be an issue if anybody on the
9 committee, through a discussion vote, could result in
10 financial gain, either direct or indirect of a community
11 member, not an agency member but a community member.

12 Potentially, if there's, you know, successful
13 cleanup of things, which is what the group's focus is and to
14 talk about, it could affect indirectly property values of a
15 person who lives in the neighborhood or lives nearby, or
16 somebody who may have a relative that lives in that
17 neighborhood. And I don't think that was the intent there.

18 And I think it could be interpreted that way, and
19 then in essence everybody is out, as far as participating in
20 this, but I think that's written a little bit too tightly
21 for the purposes, because this is supposed to be community
22 outreach. And those that are interested and affected by the
23 base in the cleanup, we want their input and their
24 participation.

25 So yes, they do and may have an indirect or direct

1 gain at the end of all this. So I don't know if it was
2 basically maybe, you know, the community members aren't
3 employed by the technical people that are doing the studies.
4 I mean, maybe that was the focus that it was trying to
5 address, but the way it's written here, it's so broad that
6 you have, in essence, wiped out the RAB and your function
7 and what you're trying to accomplish, and I don't think that
8 was an interest of you.

9 And I guess, I don't know, there's a whole section
10 on censure in there. I don't know if anybody got to that
11 part. And I don't know if that's really needed, because
12 there's always going to be diverse views and issues that
13 come up, but, you know, it's just unbecoming or
14 inappropriate conduct, but there's no definition as to
15 exactly what that would mean or why. And I don't know if
16 it's, you know, the group wants to take a look at it, see if
17 that's --

18 ADVISORY BOARD MEMBER FREITAS: It means like
19 litter boxes delivered at somebody's feet.

20 MS. HOFFMEISTER: Well, I don't know, I just kind
21 of read it and I said, well, there's nothing that explicitly
22 states what that means. And if you say something that
23 someone else disagrees with and you get into a lively
24 discussion about it --

25 COMMUNITY CO-CHAIRPERSON O'CONNELL: It would be

1 majority rule.

2 MS. HOFFMEISTER: -- maybe somebody will invoke
3 that and say, well, I'm going to censure you, and, you know,
4 that's not -- you don't want to get wrapped up in those
5 types of issues.

6 And then the term of service, or, I'm sorry, the
7 process by which to consider additional members. Now, I
8 always thought the RAB was trying to be really embracing an
9 outreach community, but, you know, some people might get
10 burned out after a while. We're talking another couple of
11 years at this. Getting other people in, a two-thirds vote,
12 I don't know, you know, a super-majority, if that's really
13 appropriate or whether even a membership process is even
14 necessary if people are interested and they want to
15 participate.

16 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, we're
17 under certain -- We have federal guidelines for us that
18 constrain us, what we can do. We can't just accept --

19 MS. HOFFMEISTER: I understand.

20 COMMUNITY CO-CHAIRPERSON O'CONNELL: We have to be
21 a diverse group.

22 MS. HOFFMEISTER: I understand, yes. Right, that
23 you don't get all heavily weighted on one side or another, I
24 understand that. But it just seemed to be a lot of
25 rigmarole for a two-thirds vote and if they meet the

1 criteria and you have a void and they're interested in
2 serving, it would seem like you would want them to
3 participate and not put them through some hoops.

4 The term of service I thought was also
5 interesting, because it talks about that everybody --

6 COMMUNITY CO-CHAIRPERSON O'CONNELL: What page is
7 that?

8 MS. HOFFMEISTER: I'm on page nine where it talks
9 about term of service. It talks about that the community
10 co-chair and alternative community co-chair serve as one
11 year. After one year, it's on a month-to-month basis until
12 replaced by an election that must be held if a petition is
13 requesting an election by at least five community members.
14 And it seems to me that whether you want to rotate the co-
15 chair, it just seems to be a lot, because it's only changed
16 unless there's a petition by five members.

17 It seems to be a little bit onerous as far as a
18 level that, you know, you serve for a year and it rotates
19 and the majority votes. If there's something else who wants
20 to be it or not --

21 COMMUNITY CO-CHAIRPERSON O'CONNELL: Could we
22 eliminate the second sentence of that entirely?

23 MS. HOFFMEISTER: Well, I'll leave the
24 wordsmithing to you. These are just my things that jumped
25 out. I'm not on the RAB, but I'm just saying these are just

1 some things that I saw that jumped out that seemed like they
2 could potentially cause problems later for the group in
3 trying to function as an inclusive group and something
4 that's going to try to, you know, really not get bogged down
5 in rules and details of this without really focusing on the
6 reports and the studies of what needs to be done in
7 addressing the cleanup and the environmental issues that are
8 brought forward through all those studies.

9 I mean, that's the main focus of the group, and
10 this seemed a little bit extensive. That's it. That's as
11 far as I got.

12 COMMUNITY CO-CHAIRPERSON O'CONNELL: Other
13 comments?

14 ADVISORY BOARD MEMBER FREITAS: I just -- I think
15 it's a little extensive myself. I think that we need to
16 simplify it a great deal. That's all I have to say.

17 COMMUNITY CO-CHAIRPERSON O'CONNELL: Tom?

18 MR. FREITAS: Well, obviously, you worked very
19 hard, it's very diligent.

20 COMMUNITY CO-CHAIRPERSON O'CONNELL: Actually, a
21 bunch of San Francisco lawyers did.

22 MS. HOFFMEISTER: I can tell.

23 (Laughter.)

24 COMMUNITY CO-CHAIRPERSON O'CONNELL: All right.

25 MR. FREITAS: This looks more like the bylaws to,

1 like, a corporation or something. And from everything I
2 know of a RAB, a RAB basically has no authority of any kind
3 whatsoever. You're in a partnership and this, I read this
4 more of an us against them thing as opposed to working as a
5 partnership. And as far as all those references that are
6 involved, I think those should be put in as maybe not part
7 of the bylaws, but referenced only.

8 Because a lot of those references that you refer
9 to are thousands of pages, and a lot of it has nothing to do
10 with what this RAB is doing, although there are parts in
11 there that do have to deal with that. So if you want to
12 mention specific paragraphs, that would be fine. But I
13 really think it should be set aside as reference only.

14 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, I think
15 if you were to look these up, you'd find that they're not
16 thousands of pages, they're actually just --

17 MR. FREITAS: Well, that's fine. But what's going
18 to happen from what I see of all of this here, is it's going
19 to bog down the RAB, because if somebody needs to present
20 something or do something and somebody else doesn't want
21 that to happen, they're going to go real deep into this
22 thing and say, well, you can't do this because here it says
23 here on page 1,283, you know. And it's going to cause a
24 bogging down of the RAB.

25 And I think that the whole context of this here

1 should be done on a thought of a partnership with the Navy,
2 because the RAB, particularly with community people, have to
3 be able to work with the Navy, because it's the only way
4 that things are going to get done. And it's going to be
5 like a negotiation process. And the more that people work
6 with the Navy, the more that they can get done with the Navy
7 on a partnership basis.

8 You know, just the fact that the complexity of it
9 is way too much, in my opinion.

10 COMMUNITY CO-CHAIRPERSON O'CONNELL: Igor?

11 MR. SKAREDOFF: Well, I apologize for being late.
12 I spent a lot of time driving down Willow Pass Road.

13 (Laughter.)

14 THE REPORTER: State your name for the record,
15 please.

16 MR. SKAREDOFF: My name is Igor Skaredoff, and I'm
17 an applicant to be a member of the RAB. And I've been
18 reading this and I've been listening to all of the comments,
19 and I am still in the learning mode, so I'm not going to say
20 anymore about it.

21 COMMUNITY CO-CHAIRPERSON O'CONNELL: Pat?

22 ADVISORY BOARD MEMBER RYAN: I have a couple of
23 comments. I'm Patricia Ryan with DTSC.

24 First of all, the Presidio is kind of a unique
25 scenario in that it's the Presidio trust, so there is no --

1 They don't have a co-chair, they don't have a military
2 presence at the RAB meetings. I go to them every month;
3 it's tomorrow night. So it's a little bit different than
4 the typical RAB. They have a different structure for the
5 funding and everything.

6 So, that being said, these bylaws I think are more
7 appropriate to that type of a body, and it's a much more
8 level and it is a higher level process versus the other RABs
9 that I go to, which are most of the Bay Area RABs.

10 My other comment is on membership, and any member
11 of the community should have the opportunity to join the
12 RAB. I didn't see in this where there was any suggestion
13 relative to a maximum number, an ideal number of the RAB. I
14 know at Hampton they have 20 or 25 people who is on their
15 RAB, and anybody in addition to that was on the waiting
16 list. So that way if there were extra applicants, they were
17 taken consecutively, they were not considered culturally or
18 demographically or meeting any kind of diversity goals and
19 objectives.

20 Each member of the community should have an equal
21 opportunity to be considered to be on the RAB until you meet
22 the number of people that you're going to have. You may
23 want to do that. And right now this is a very small group,
24 so I would not say that you should set limits, because the
25 Navy and the military go to great expense with our tax

1 dollars to recruit people for the RAB. And it's not easy.
2 I mean, you guys know more than anyone how many hours you
3 put in out of your own time and it's voluntary.

4 So I don't think you should limit the membership
5 in any degree, other than coming up with an ideal number
6 perhaps of how many people you would like to have initially.
7 And I didn't see that in here. So I think you ought to
8 really reconsider the process, because also when you apply,
9 your applications are not distributed for public review,
10 just to the Navy, and there is a certain privacy issue
11 associated with applications where an applicant might not be
12 comfortable having their application distributed to everyone
13 on the RAB. And that's another whole sidebar that should be
14 looked at.

15 I don't know the rules pertaining to that, but I
16 do know that there should be some kind of confidentiality
17 relative to applications. And also, as far as the
18 applications that are pending now, I think until the bylaws
19 are actually agreed upon and implemented that the Navy
20 should continue to expeditiously process all applications
21 for the RAB. And unless there is a good reason that they
22 would have used, in your applications as well as anyone
23 else's, that people should all be given equal consideration
24 to be on the RAB.

25 ADVISORY BOARD MEMBER FREITAS: I second that.

1 COMMUNITY CO-CHAIRPERSON O'CONNELL: Igor?

2 MR. SKAREDOFF: Marcus, I was reading in the
3 section about the numbers of people on the RAB. It's on
4 page five, item number one. It says, "The number of
5 community members shall be large enough to reflect the
6 community's diversity" -- "There shall be a minimum of five
7 or a maximum of 18 community members."

8 ADVISORY BOARD MEMBER RYAN: Well, again, that
9 is --

10 MR. SKAREDOFF: "Provided, however, that the
11 maximum number may be increased at any time if the majority
12 of community members vote to do so." That's --

13 ADVISORY BOARD MEMBER FREITAS: Okay. I'm going
14 to -- I just got this tonight, so I haven't seen it. Thank
15 you. But I think that might be something that the Committee
16 who is looking at the bylaws or the RAB in general should
17 definitely take a hard look at.

18 COMMUNITY CO-CHAIRPERSON O'CONNELL: Any comments?
19 I'll start in the back row. Jim?

20 PLANNING AND ECONOMIC DEVELOPMENT DIRECTOR
21 FORSBERG: I think the comments that have been coming around
22 on this side of the room I would agree with, and would want
23 the RAB to be inclusive. And I think I would be concerned,
24 along with others, about the process in here that to have a
25 Membership Committee and all of us are screening it is an

1 exclusionary device rather than an inclusionary device, and
2 I don't think there should be criteria of any sort at this
3 point in time.

4 It's difficult enough to get people to participate
5 in the RAB. We want everybody who has the slightest bit of
6 interest to come in here, welcome their views, whatever
7 their views are, and let them come in. That's what the Navy
8 has been doing, and it's hard enough for them to keep the
9 RAB populated. We shouldn't have any kind of screening
10 device of any sort, because that screens people out. It
11 doesn't screen people in, it screens people out, and I think
12 I suggest that we get rid of all of the screening devices
13 for membership.

14 The comments that Councilwoman Hoffmeister made I
15 think are right on point in terms of other changes, since
16 other people have made it. So I would concur with the
17 others to get rid of the membership screening and let the
18 people in.

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: Greg?

20 MR. SMITH: I think everyone else has pretty much
21 summed up most of the things that I've had, just in a quick
22 look at this. One thing that I'd like to say, number one,
23 is Marcus, thanks for putting this together, I mean, and all
24 the effort that was gone through in the previous RAB as well
25 as this one, I know it's a lot of your time.

1 Two, I think there have been some concerns about
2 this being too complicated and perhaps it is, but I would
3 much rather start off with a document that is too
4 complicated that we can pare down than start off with
5 something that isn't good enough, and then try and sort of
6 scratch a good document out of that.

7 I think my only big concern that -- Well, I guess
8 this was addressed is the numbers. Five to 15 is really
9 small for a RAB. I think most RABs have a goal of between
10 20 and 30, and I think that's a good place to start off.
11 And just what we do down at the RAB that I'm most familiar
12 with, Seal Beach, is we do have a membership committee. We
13 did not start that membership committee until we hit our
14 maximum number.

15 And basically, that membership committee was to
16 start a waiting list and look at people, you know, that
17 would end up going on a waiting list. And then once the
18 waiting list, you just take them sequentially. As people
19 dropped off, you add more people on.

20 But I really don't think that you can start being
21 really that selective until you've got your maximum. So I
22 would suggest that if you really are dying to have some sort
23 of a mechanism for having new members that that mechanism
24 not go into effect until we've maxed out and can afford to
25 be selective, basically.

1 Those are my only comments.

2 COMMUNITY CO-CHAIRPERSON O'CONNELL: Amado?

3 MR. ANDAL: Right now I don't have any comments.

4 MS. FLEMMING: Well, I have two comments. One is
5 there has been a lot --

6 THE REPORTER: Miss?

7 MS. FLEMMING: I'm sorry, Cynthia Flemming with
8 the Navy.

9 One is that there has been a lot of comment about
10 how they're too restrictive and they're too long, and
11 perhaps it might help people if, you said there was one that
12 was a one-pager, and one that was a three-pager. Maybe pass
13 that out so that they can see a comparison, and decide if
14 there is a happy medium that they want or if they like one
15 section from one versus another. That's just a suggestion.

16 The other is I'm going to have to echo what I've
17 heard from a number of people. You need more members now.
18 You're talking about committees, you're talking about
19 getting people to review documents. I know you've got some
20 huge documents coming up. You need to split them among you.
21 Take one document and split it up so that one person doesn't
22 have the whole responsibility. You need new members. I
23 think --

24 ADVISORY BOARD MEMBER FREITAS: This is just for
25 the Taylor Boulevard for us to read and review.

1 MS. FLEMMING: Yeah. So my thought process, and
2 we've been talking about these new members since the
3 beginning, my thought process is you don't have bylaws. So
4 you can do anything you want. So right now you can say we
5 want to have the two new members.

6 ADVISORY BOARD MEMBER FREITAS: Right.

7 MS. FLEMMING: You don't have to have it on the
8 agenda, because you don't have anything that says it needs
9 to be on the agenda.

10 So if right now you guys just decided that we want
11 to have these two new members, you could decide it right
12 now, this very instant, the CO could sign a letter and by
13 next meeting they'd be here. Those are my comments.

14 ADVISORY BOARD MEMBER TANASESCU: I have a
15 question. When we first tried to reinstitute the RAB and we
16 came before Rudy and several other people, we went through
17 this big long process of them saying that they had to take
18 our applications and review them, because they had to make
19 sure that they were looking at diversity. And that was
20 coming from the Navy. And now you're saying that we
21 shouldn't be looking at that.

22 MS. FLEMMING: No, I didn't say that. I said
23 there's nothing that stops you right now from taking a vote,
24 or --

25 ADVISORY BOARD MEMBER TANASESCU: Okay, but didn't

1 I hear Greg mention that you needed right now, any new
2 members coming in had to be approved?

3 MR. SMITH: That's correct, by the commanding
4 officer, but --

5 ADVISORY BOARD MEMBER TANASESCU: Through the
6 Navy, so we can't vote.

7 MR. SMITH: -- but at this point, it's this
8 current commanding officer's viewpoint that we're going to
9 pretty much sign on anybody that wants to be a member. And
10 so he's not going into a large amount of detail reviewing
11 people's applications at this point, because the goal is to
12 grow the RAB.

13 So my point was that we couldn't have people
14 actually being on the RAB or joining the RAB this evening,
15 but the commanding officer can sign the letters and they can
16 be official RAB members starting at the next meeting, and
17 there was nothing that was going to change that.

18 ADVISORY BOARD MEMBER TANASESCU: That was why I
19 brought the question now because you said we could just vote
20 tonight, and so it's --

21 MS. FLEMMING: But I know that the commanding
22 officer is willing to do what the RAB wants to do. So it's
23 a formality that the commanding officer has to sign a letter
24 and officially appoint somebody, but that doesn't stop you
25 guys. And the reason that it came to you guys the way it

1 did at this meeting is because there was concern with the
2 way the last two new members were added.

3 ADVISORY BOARD MEMBER MCGEE: Yeah, it was very
4 difficult to get on here, very difficult.

5 ADVISORY BOARD MEMBER FREITAS: I was reinstated
6 because I had resigned because of the problems previously,
7 and then came back.

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: Let me say a
9 few words now about -- I've heard a lot about membership.
10 And as you know, the RAB has been in existence since last
11 December. And there are many of us who are on the RAB who
12 have lots of friends, and we easily could have gotten our
13 friends onto this RAB.

14 We literally held back from doing that, because we
15 wanted a process in place that would assure that there was a
16 diverse group of people on this RAB, that there were people
17 from the business community, that there were people from
18 homeowner associations, people of color, the whole gamut.
19 We held back from doing that. That's why this RAB is small.

20 What we were looking for was to get census data,
21 good demographics for the surrounding areas so that we could
22 make sure that the complexion of this RAB matched the
23 surrounding areas. Our concern was that any group could
24 come in here and stack the RAB, if there was anyone who
25 really wanted to do that. It could be possible, for

1 instance, for developers to come in, Seeno and Company, and
2 stack this RAB. Because this is going to be -- This is a
3 hell of a plum coming up, and that could be done.

4 We thought it should -- We looked at this as a
5 matter of principle, and that's why we held off stacking the
6 RAB with our friends, because they'd all look just like us,
7 and it would all be just like us. We didn't think that was
8 right. And so we had -- this has been, it's been very
9 exasperating, with such a limited number of people. There
10 is a lot of work to be done, and we need a heck of a lot
11 more people.

12 But I want to point out that we felt bad from just
13 adding people willy-nilly --

14 ADVISORY BOARD MEMBER FREITAS: Marcus, I think
15 you're speaking for yourself. You're not speaking for us.

16 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, I think
17 that perhaps other people can add to that.

18 ADVISORY BOARD MEMBER FREITAS: You may be
19 speaking for your group on the TAG, but you're not speaking
20 for us. You're especially not speaking for myself.

21 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. All
22 right, Evelyn, I'm speaking for myself and a few other
23 people that this was discussed among, and --

24 ADVISORY BOARD MEMBER FREITAS: Would that be your
25 TAG group?

1 COMMUNITY CO-CHAIRPERSON O'CONNELL: Evelyn, it
2 doesn't --

3 ADVISORY BOARD MEMBER FREITAS: That is stacked
4 against the RAB here?

5 COMMUNITY CO-CHAIRPERSON O'CONNELL: Evelyn, there
6 is no conspiracy here, okay? What I'm trying to tell you is
7 that --

8 ADVISORY BOARD MEMBER FREITAS: There's not a
9 conspiracy, Marcus, but we need more people on the RAB so
10 that we can work together and get these documents out.

11 COMMUNITY CO-CHAIRPERSON O'CONNELL: I agree.

12 ADVISORY BOARD MEMBER FREITAS: And you want
13 control over the whole frigging thing.

14 COMMUNITY CO-CHAIRPERSON O'CONNELL: Evelyn, I
15 don't. I don't.

16 ADVISORY BOARD MEMBER FREITAS: Yes, you do.

17 COMMUNITY CO-CHAIRPERSON O'CONNELL: I've already
18 discussed it with a couple of people here --

19 ADVISORY BOARD MEMBER FREITAS: I'll take a deep
20 breath, but still, I am really getting tired of this.

21 COMMUNITY CO-CHAIRPERSON O'CONNELL: I've already
22 discussed it with a couple of people here, saying that I
23 literally don't want to be chair of the RAB and I'd like to
24 give it up. If the bylaws would come through and there were
25 a mechanism to have, which I hope --

1 ADVISORY BOARD MEMBER FREITAS: Why don't you go
2 ahead and give it up?

3 COMMUNITY CO-CHAIRPERSON O'CONNELL: -- that
4 would be, I could step aside and let somebody else take
5 over, because frankly, I don't like the tone and I don't
6 like your innuendo. I think, Evelyn --

7 ADVISORY BOARD MEMBER FREITAS: Well, you won't
8 even follow through on anything with us, Marcus.

9 COMMUNITY CO-CHAIRPERSON O'CONNELL: Evelyn, I
10 think you should be chair. I think you should be chair, but
11 it's up to the group.

12 NAVAL CO-CHAIRPERSON MORLEY: Pat, did you want to
13 say something?

14 ADVISORY BOARD MEMBER RYAN: I just wanted to say
15 that I'm not sure who you referred to as far as "we,"
16 because I think I was pretty active in the reimplementation
17 of this RAB last fall and last December and January when
18 this RAB was getting back on its feet. I know that in my
19 case, I would encourage membership from anyone, and if you
20 have friends stacked up out there that are waiting in line,
21 they would have every opportunity to go apply, along with
22 anyone else, and everyone that did apply was accepted.

23 To my knowledge, there was no one who was denied
24 the membership if they applied. So everyone was encouraged.
25 Now, if you convince your friends not to, that is

1 unfortunate, because it would have been good to have more
2 members, regardless of where they come from. Because once
3 people get involved, it usually balances out, and so that's
4 not -- as far as encouraging membership, that's something
5 that should be done continuously.

6 Because it is hard to be a member of these bodies.
7 You're volunteering, you put a lot of time and energy into
8 it, and my hat is off to you because I'm not sure I would do
9 it. But really, we want to encourage more people and
10 accepting -- I think you did do a lot of work, and I
11 appreciate it, and I think it's a good place to start, and I
12 think it's like Greg said, you should be commended for the
13 work you put into it.

14 But I think that we need to move forward and have
15 new members, and try to come up with bylaws everyone can
16 agree on as expeditiously as possible. And, in the interim,
17 encourage new membership through the same mechanism we've
18 been using thus far.

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: Let me bring
20 the discussion back a little bit here. We do need to move
21 forward. It's 9:20 right now and we'd like to get done
22 here.

23 Can I have some suggestions from the floor, the
24 RAB members, about how they would like to proceed to get
25 these things done? And again, I would like to reiterate,

1 let's not get bogged down in bylaws and make these a big
2 deal. We have, as Evelyn held up, studies to be reading and
3 things to be doing on that.

4 Do I have suggestions for how to proceed?

5 ADVISORY BOARD MEMBER MCGEE: Well, I think
6 anybody who wants to join this committee, we let them join.

7 ADVISORY BOARD MEMBER FREITAS: I second that.

8 ADVISORY BOARD MEMBER MCGEE: First of all, you
9 know, when I was going to be appointed, you said, well, we
10 need to vote on it. Well, you know, this is a committee
11 that I as a citizen can be on. I'll be damned if you're
12 going to vote whether or not I can be on here or not.
13 Anybody who is willing to volunteer their time -- You told
14 me this was paid.

15 (Laughter.)

16 ADVISORY BOARD MEMBER MCGEE: Anybody who is
17 willing --

18 NAVAL CO-CHAIRPERSON MORLEY: No, I said I got
19 paid.

20 ADVISORY BOARD MEMBER MCGEE: Oh, okay. Anybody
21 who is willing to give up their time should be able to come
22 here, because it's very hard to get volunteers to do
23 anything.

24 COMMUNITY CO-CHAIRPERSON O'CONNELL: Yeah.

25 ADVISORY BOARD MEMBER MCGEE: And whether or not

1 this board gets stacked with developers or whatever, I think
2 some people on this board are smart enough to be able to see
3 that. And as long as we have some sort of bylaw or
4 something that we can keep that in check, we open the door
5 and we let anybody come in and let anybody join.

6 The only thing we'll have to do is come up with a
7 bigger place to meet, and I don't see that being a problem.
8 But I think anybody who is willing to give their time to do
9 this, they should be allowed in. And, you know, I would say
10 tonight we nominate those two to come on board --

11 ADVISORY BOARD MEMBER FREITAS: I second that.

12 ADVISORY BOARD MEMBER McGEE: -- and if the Navy
13 has no problem, hip, hip, hooray.

14 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, I guess
15 we have no procedures, we have nothing to go on, so a motion
16 has been made and a second has been made.

17 I'll ask if there is any discussion about it.

18 (Laughter.)

19 MR. SKAREDOFF: Is this a good place to sit?

20 ADVISORY BOARD MEMBER WILLIAMS: If there's any --
21 Now, we've all seen the applications, right?

22 ADVISORY BOARD MEMBER O'BRIEN: I have not been
23 given the application.

24 NAVAL CO-CHAIRPERSON MORLEY: I just got mine
25 tonight.

1 ADVISORY BOARD MEMBER WILLIAMS: But does -- I
2 mean, why is there not --

3 NAVAL CO-CHAIRPERSON MORLEY: It didn't go through
4 their e-mail by the time it got rejected back, I didn't have
5 enough time to mail it out to them, so I gave it to them
6 today.

7 ADVISORY BOARD MEMBER FREITAS: Well, possibly he
8 could just give his background. I mean, the background on
9 this man is what we need on the RAB, and I don't want to
10 embarrass him and, you know, make you feel like I'm really
11 pushing this, but we really need some RAB members with
12 intelligence and some background. And his background and
13 Mario Mancini -- I'm probably going to kill the name, but
14 they have the background and the intelligence and the things
15 that we really need help on so that we can go through these
16 documents.

17 Would it be wrong for me to ask him to go through,
18 just tell us briefly what his background is and we could --
19 so that you would feel more comfortable with this?

20 COMMUNITY CO-CHAIRPERSON O'CONNELL: I'm
21 comfortable. I know Igor. I'm comfortable already. As far
22 as I'm concerned, you've got my vote.

23 ADVISORY BOARD MEMBER FREITAS: But, I mean, so
24 that --

25 ADVISORY BOARD MEMBER MCGEE: Just the fact

1 that --

2 ADVISORY BOARD MEMBER FREITAS: Why don't we just
3 go ahead and okay it. I mean --

4 MR. SMITH: Just the fact he wants to join is fine
5 with me.

6 ADVISORY BOARD MEMBER RYAN: Would you like to
7 kind of join us, Igor?

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, let's
9 have a vote --

10 ADVISORY BOARD MEMBER WILLIAMS: Shall we take a
11 vote?

12 COMMUNITY CO-CHAIRPERSON O'CONNELL: Let's at
13 least vote on it.

14 All those in favor?

15 (Ayes.)

16 COMMUNITY CO-CHAIRPERSON O'CONNELL: We have some
17 RAB members who aren't voting.

18 ADVISORY BOARD MEMBER FREITAS: There is only one.

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay.

20 It's approved. Have a seat.

21 (Laughter.)

22 ADVISORY BOARD MEMBER FREITAS: And does that go
23 for Mr. Mancini also?

24 COMMUNITY CO-CHAIRPERSON O'CONNELL: I don't know,
25 I only have one -- I think we only took a motion on one

1 person.

2 ADVISORY BOARD MEMBER FREITAS: I'd like to --

3 ADVISORY BOARD MEMBER WILLIAMS: That has to be
4 confirmed by the Navy CO --

5 MR. SMITH: Yeah, but that's a formality.

6 ADVISORY BOARD MEMBER RYAN: So you would be a
7 voting member as of the next RAB meeting.

8 MR. SMITH: That's right.

9 MR. SKAREDOFF: I'm not a voting member, right?
10 I'm sort of a visiting member.

11 ADVISORY BOARD MEMBER FREITAS: And I would like
12 to make a motion that Mario Mancini would also be instated
13 by the next meeting.

14 ADVISORY BOARD MEMBER RYAN: I'll second that.

15 COMMUNITY CO-CHAIRPERSON O'CONNELL: All those in
16 favor?

17 (Ayes.)

18 COMMUNITY CO-CHAIRPERSON O'CONNELL: Now, can we
19 get back to how are we going to deal with the bylaws?

20 NAVAL CO-CHAIRPERSON MORLEY: Marcus, may I make a
21 suggestion?

22 COMMUNITY CO-CHAIRPERSON O'CONNELL: Yes.

23 NAVAL CO-CHAIRPERSON MORLEY: I think we got a lot
24 of good comments tonight, and again, thank you for putting
25 this together and the people that worked on this.

1 I would like to recommend that within two weeks,
2 if everybody could send written comments to everybody else
3 so that we can have those to discuss at the next meeting,
4 and hopefully we can go over some of these issues and get
5 those hammered out at the next RAB; does that sound okay
6 with everyone?

7 ADVISORY BOARD MEMBER O'BRIEN: I think the
8 disagreements are more fundamental, and I think we need to
9 form a new committee to work on a new set of bylaws.

10 NAVAL CO-CHAIRPERSON MORLEY: Really, do you --
11 See, I just, I kind of get the impression that there are a
12 few sticking points, but I don't know --

13 ADVISORY BOARD MEMBER O'BRIEN: That's not the
14 impression I'm getting, Theresa.

15 COMMUNITY CO-CHAIRPERSON O'CONNELL: I'm getting
16 the impression that they want a one-page or two-page set of
17 bylaws.

18 ADVISORY BOARD MEMBER O'BRIEN: Yeah. And I think
19 a new committee should be formed to work on it.

20 COMMUNITY CO-CHAIRPERSON O'CONNELL: Some people
21 do. I personally don't. I want something that spells it
22 out.

23 NAVAL CO-CHAIRPERSON MORLEY: All right. Well,
24 then, Ray, do you have another suggestion?

25 ADVISORY BOARD MEMBER O'BRIEN: I suggest that we

1 have, we form a new committee to work on the bylaws. I
2 think there are some people here who have a problem with the
3 way they are formatted.

4 NAVAL CO-CHAIRPERSON MORLEY: Cynthia?

5 MS. FLEMMING: I do, I think a committee might be
6 a good idea, but you need to make sure that you have people
7 from all of the different viewpoints. And also, it might be
8 good, Theresa, to go ahead with what you already said, as
9 far as getting your comments in in two weeks, so that this
10 new committee, whoever they are, with all their different
11 viewpoints already, have everybody else's viewpoints.

12 ADVISORY BOARD MEMBER FREITAS: And maybe we could
13 bring through some of the other RABs' bylaws that have fewer
14 pages and just more to the specifics. I understand what
15 you're trying to do, Marcus, but, on the other hand, I don't
16 think the RAB itself should be quite so tightly run.
17 Because I think there are other avenues to accomplish what
18 it is that you're trying to accomplish.

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: I think that
20 you need to find what you're looking for, what you have in
21 mind, and bring that to the committee for them to consider.

22 ADVISORY BOARD MEMBER FREITAS: All right.

23 COMMUNITY CO-CHAIRPERSON O'CONNELL: I think
24 that's all we can do.

25 ADVISORY BOARD MEMBER RYAN: Can I make a

1 suggestion that --

2 MR. PINARD: Hang on, Pat --

3 ADVISORY BOARD MEMBER RYAN: Okay, sorry.

4 MR. PINARD: -- it's my turn.

5 (Laughter.)

6 MR. PINARD: I raised a question, this RAB was
7 never disbanded officially, so there were rules and
8 regulations or some operating --

9 COMMUNITY CO-CHAIRPERSON O'CONNELL: There
10 weren't.

11 NAVAL CO-CHAIRPERSON MORLEY: No, there weren't.

12 MR. PINARD: There were never any rules? There
13 was never --

14 NAVAL CO-CHAIRPERSON MORLEY: They didn't have
15 any.

16 MR. PINARD: They never operated --

17 ADVISORY BOARD MEMBER FREITAS: That's in the
18 minutes of our first meeting.

19 COMMUNITY CO-CHAIRPERSON O'CONNELL: They sent
20 them to committee.

21 MR. PINARD: Okay, but if that's the case -- All
22 right, well, with that in mind, then, the RAB is functioning
23 without rules, but functioning. So I think the key thing,
24 while the committee would be good to get set up and keep
25 going on the bylaws or the rules, the rules of the RAB, to

1 be very simple -- I like Mary Lou's suggestion -- we must
2 work towards more members. And if we get 20 members or 25
3 members before there are rules, that's okay too.

4 And there is one very good RAB that I work with in
5 the Bay Area that their membership committee is -- they've
6 got a big RAB -- their membership committee is looking for,
7 it's a recruiting RAB membership committee. It's not a
8 reviewing membership committee, it's a recruiting membership
9 committee. And I think that's where maybe we've got to
10 start thinking, once we get a bigger RAB. You've got five
11 or six now, you're going to get a couple more now, that's
12 still a third of what you really should have. So get out
13 there and get more people.

14 I mean, by next month, if everyone on the RAB went
15 out and some of the city fathers that are here tonight and
16 mothers --

17 (Laughter.)

18 MR. PINARD: I'm all right. Hey, I can live with
19 this. Hey, I'm a man of the 21st Century, right.

20 But the bottom line is, is that by next month
21 there could be another ten people in here, standing in line
22 or sitting here, waiting to become members. And then you've
23 really got a great group to kick around the bylaws, work on
24 a committee, get those all formulated, and then start
25 working. I agree with Mary Lou.

1 ADVISORY BOARD MEMBER FREITAS: And don't forget
2 October 19th we have the affair at the Estates and some of
3 the people will be there from the Navy, the EPA and Toxics,
4 and Cynthia is going to be representing the Navy. So that's
5 a good place for outreach, possibly bringing in some new RAB
6 members and getting out information to the community also.

7 ADVISORY BOARD MEMBER WILLIAMS: I volunteer to
8 serve on the Bylaws Committee.

9 COMMUNITY CO-CHAIRPERSON O'CONNELL: Who wants to
10 be on the Bylaws Committee?

11 ADVISORY BOARD MEMBER WILLIAMS: Who wants --

12 (Laughter.)

13 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, there
14 has -- It needs to be a RAB, we need to restrict it to RAB
15 members or this is going to get too out of hand. We really
16 need -- and I mean all RAB, from any representatives from
17 the Navy, but we need RAB members on here. We can't get it
18 too broad.

19 ADVISORY BOARD MEMBER RYAN: I would like to
20 suggest that people provide written comments within two
21 weeks regarding these -- with positive comments or
22 suggestions of what they think, how they feel about this,
23 all the things we've said tonight. And, in all fairness to
24 Marcus, that's really what we should do, I think, and
25 instead of reinventing the wheel and starting over.

1 Perhaps if you have recommendations relative to
2 paring it down, say what they are, and that way, so you can
3 use this, like Greg said, as a structure to begin with, and
4 then you will be able to finish this a little bit sooner,
5 and then maybe turn those comments in to the co-chairs and
6 the committee to finalize.

7 ADVISORY BOARD MEMBER FREITAS: You did do a good
8 job on this, it's just too --

9 COMMUNITY CO-CHAIRPERSON O'CONNELL: Well, as I
10 say, it wasn't me, this was a committee that did this.
11 There was a committee that did this, and we didn't do that
12 much. We took the Presidio bylaws and we did a lot of cut
13 and paste, or, not cut and paste, find and replace functions
14 and that kind of thing.

15 So, you know, there's not -- Wherever you guys
16 want to go with this is where we go with it, of course. And
17 whether you want to edit this or you want to start from
18 scratch, again, my main concern is that we don't get bogged
19 down in this thing. Because we need to get this done, it
20 needs to be in the can. We can amend it.

21 ADVISORY BOARD MEMBER FREITAS: Who are we to send
22 our comments to, you and Theresa, then, together?

23 NAVAL CO-CHAIRPERSON MORLEY: I'd actually ask
24 that you send it to both of us and to the fellow RAB members
25 too so they can see what you're saying.

1 COMMUNITY CO-CHAIRPERSON O'CONNELL: Yeah, I think
2 that's good.

3 ADVISORY BOARD MEMBER RYAN: So we only have one
4 committee member, from what I've heard.

5 (Laughter.)

6 ADVISORY BOARD MEMBER FREITAS: I think we're not
7 going to do it yet. It's on hold.

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: I will -- Let
9 me make a suggestion. We wait for two weeks, we have a two-
10 week deadline. We make that, October 21st will be our
11 deadline. And at that point, between then and now, I will
12 find a meeting place and I will -- we will tentatively set
13 up a meeting. And I will just grab this out of the air,
14 that it will be 21 days from tonight, a week after the
15 comments are due, and we'll all have a copy of the comments.

16 So on Monday, the 28th we will meet somewhere, the
17 committee will, and whoever wants to be on that committee
18 can show up. But that's about the most inroads I think we
19 can make right here.

20 MS. FLEMMING: And while you're all writing,
21 Theresa, I have to remind you of two things, one, the
22 December meeting and the CRP interviews. I didn't hear you
23 talk about those yet.

24 NAVAL CO-CHAIRPERSON MORLEY: I just wanted two
25 things to bring up, to ask people what they thought about

1 this. The December meeting is on, I think it's either
2 December 1st or December 2nd, which is the Monday following
3 the Thanksgiving holiday. And I know a lot of people are on
4 vacation, that's a highly traveled holiday, and I myself
5 will be at a family reunion in Tucson.

6 So what does everybody think about taking off the
7 month of December and running all your holiday errands and
8 partying and stuff like that, and coming back all refreshed
9 in January?

10 ADVISORY BOARD MEMBER RYAN: Well, some of us have
11 Christmas parties in December.

12 NAVAL CO-CHAIRPERSON MORLEY: Having Christmas
13 parties.

14 ADVISORY BOARD MEMBER FREITAS: We still have a
15 meeting in November, correct?

16 NAVAL CO-CHAIRPERSON MORLEY: Yes, November 4th.

17 ADVISORY BOARD MEMBER TANASESCU: Why don't we
18 come back in November and make the decision then when we
19 see --

20 COMMUNITY CO-CHAIRPERSON O'CONNELL: One at a
21 time, one at a time.

22 (Thereupon a short discussion was held off the
23 record.)

24 NAVAL CO-CHAIRPERSON MORLEY: Okay. Gay's
25 suggestion was why don't we all think about it and come back

1 in November and see what's on our plate as far as reports to
2 review or presentations to be made, and make a decision at
3 that meeting.

4 ADVISORY BOARD MEMBER FREITAS: Yeah, that's a
5 good idea.

6 NAVAL CO-CHAIRPERSON MORLEY: Mary Lou?

7 ADVISORY BOARD MEMBER WILLIAMS: I was going to
8 say the same thing. Let's see how far we get with the
9 bylaws and everything else, and if we get everything
10 finished for November, Christmas is free.

11 NAVAL CO-CHAIRPERSON MORLEY: Could I -- Something
12 was brought up and we keep -- I don't know why, it seems
13 like we keep just going over this, like it doesn't matter,
14 but we have documents that are up for review and we need to
15 be focusing on. I think it's something we should talk
16 about, whether we should each individually be responsible
17 and make an effort to read these and comment on them, or if
18 we should, if you guys are willing to break up, like I asked
19 last month, if you guys want to break up into a couple of
20 groups and do this together if you have any input on this.

21 Because this is something we really should be
22 working on more diligently than we are.

23 NAVAL CO-CHAIRPERSON MORLEY: I guess my
24 suggestion right now is with the size of the group, it's
25 kind of hard to break into subcommittees. I would give you

1 the suggestion that if you wanted to work on it with
2 somebody, you know, feel free to contact one of your fellow
3 RAB members, but I think we're a little small for
4 subcommittees right now.

5 ADVISORY BOARD MEMBER WILLIAMS: But even if we
6 worked on it together in smaller groups, you know --

7 NAVAL CO-CHAIRPERSON MORLEY: That's fine, but I
8 think it's something that I want you to work out with each
9 other.

10 Ray?

11 ADVISORY BOARD MEMBER O'BRIEN: I'm glad you're in
12 Bay Point, but I do not like this room.

13 (Laughter.)

14 NAVAL CO-CHAIRPERSON MORLEY: I came here
15 especially for you.

16 ADVISORY BOARD MEMBER O'BRIEN: I know you did. I
17 think it's awkward. At times I've had trouble hearing
18 because of this air conditioning situation, so I would
19 suggest we try and get another room here, and if not, we
20 relocate back to Clyde.

21 NAVAL CO-CHAIRPERSON MORLEY: Okay. Well, we also
22 have the Willow Pass Community Center by the Safeway --
23 That's my only landmark -- and that's also a real nice
24 facility, but it's being remodeled, and so we can also try
25 that too, but I agree, this room is very awkward.

1 ADVISORY BOARD MEMBER RYAN: Well, not to change
2 the subject, but I have a recommendation for the Navy.
3 Alameda and Treasure Island both have document tracking
4 sheets that they give out every RAB meeting which is a list
5 of all the technical documents, the status of them, and I
6 think it would be very important for Concord immediately to
7 implement the same thing by the next RAB meeting, because I
8 know I don't have one, and I'm sure for the new members, and
9 this is a fairly new RAB, it would be most beneficial.

10 And also, to develop a newsletter that is
11 published on a regular basis, maybe it's quarterly, like
12 Treasure Island does, to keep everybody involved. And it's
13 also a good PR piece to solicit new RAB members. So I'd
14 like to see those things implemented as soon as possible.

15 NAVAL CO-CHAIRPERSON MORLEY: We're working on the
16 document tracking sheet.

17 Joanna?

18 MS. CENEPA: Yeah, I wanted to say that that idea
19 has been discussed in the RPM group, the last RPM meeting
20 talked about it, and we're reviewing a template document
21 tracking sheet. It is from Treasure Island. So the group
22 has been talking about it and wants to implement that in
23 this forum, so --

24 ADVISORY BOARD MEMBER RYAN: When is the ETA?

25 MS. CENEPA: It depends on the site management

1 plan, which is getting negotiated between EPA and the Navy,
2 which sets the schedules for the projects. So hopefully --

3 ADVISORY BOARD MEMBER RYAN: Can they come up with
4 a list of just what they have now and add to it?

5 MS. CENEPA: Yeah, that's already been
6 established.

7 ADVISORY BOARD MEMBER RYAN: But I haven't gotten
8 one.

9 MS. CENEPA: It was distributed to the RPM group.

10 ADVISORY BOARD MEMBER RYAN: Oh, okay.

11 MS. CENEPA: So the RPM has agreed to review it
12 and provide suggestions for changing the format if
13 necessary.

14 ADVISORY BOARD MEMBER RYAN: So when do they
15 expect to have that done?

16 ADVISORY BOARD MEMBER RIVERA: One comment on
17 that. The initial proposal was split. Joanna has that. We
18 did get another proposal from one of the EPA contractors for
19 a tracking sheet that's used at Moffett Field, so that's new
20 to us. It's more concise, a little bit easier to get ahold
21 of.

22 ADVISORY BOARD MEMBER RYAN: Well, Alameda has
23 one, too. They're all pretty much the same, it's just a
24 list of the sites and the status.

25 ADVISORY BOARD MEMBER RIVERA: Well, the thing is,

1 you don't want to wind up with ten pages of tracking sheets,
2 and --

3 ADVISORY BOARD MEMBER RYAN: You never see one
4 that big.

5 ADVISORY BOARD MEMBER RIVERA: Well, you've never
6 been to -- Never mind.

7 (Laughter.)

8 ADVISORY BOARD MEMBER RIVERA: You've never been
9 to the Concord RAB.

10 ADVISORY BOARD MEMBER RYAN: Uh-huh, every Bay
11 Area RAB.

12 ADVISORY BOARD MEMBER FREITAS: I'd like to make a
13 motion too, or at least a request, that Igor and Mario, as
14 soon as they have the captain's signature, that I guess it's
15 Carolyn, you're usually responsible for that, if you could
16 get all the documents that you can that pertain to the sites
17 that are being looked at so that they can get up to speed
18 and be able to comment.

19 ADVISORY BOARD MEMBER RIVERA: Do they want every
20 document?

21 (Laughter.)

22 (Thereupon a short discussion was held off the
23 record.)

24 NAVAL CO-CHAIRPERSON MORLEY: Maybe he could go
25 over those, and ask for specific documents and we can make

1 copies of those, instead of everything that's been given
2 out.

3 ADVISORY BOARD MEMBER FREITAS: Well, not
4 everything that's been given out. The ones that we're
5 working on right now that need comment --

6 NAVAL CO-CHAIRPERSON MORLEY: Oh, okay.

7 ADVISORY BOARD MEMBER FREITAS: -- I think are
8 very important, I think they need all that information.

9 ADVISORY BOARD MEMBER RIVERA: Yeah, I can take
10 that action as the project manager, and I'll make sure that
11 we add them to the distribution list of the documents.

12 ADVISORY BOARD MEMBER FREITAS: Thank you. And
13 then ones we've already received that are pending for
14 comment you'll get those out to them right away, then?

15 ADVISORY BOARD MEMBER RIVERA: We can do that as
16 well.

17 ADVISORY BOARD MEMBER FREITAS: Thank you.

18 COMMUNITY CO-CHAIRPERSON O'CONNELL: We have to
19 set an agenda for the next meeting as well.

20 NAVAL CO-CHAIRPERSON MORLEY: I have some
21 proposals. I think we wanted to do a presentation on sites
22 they weren't at.

23 ADVISORY BOARD MEMBER RAMSEY: Well, I think it's
24 because with Mr. Rivera's presentation of the reports that
25 are scheduled for submittal in October, I believe they're

1 talking about the SWMUS groundwater, because the remedial
2 investigation will come out on the SWMUS solid waste
3 management unit site, it's a bunch of maintenance buildings
4 where they did some groundwater assessments. And then it's
5 the site 27, which is a little chemical testing laboratory
6 feasibility study, and I think those --

7 NAVAL CO-CHAIRPERSON MORLEY: But did we want to
8 do a technical presentation on site 27? I thought you --

9 ADVISORY BOARD MEMBER RAMSEY: That was EFS,
10 right, for the EFS on site 27, which would be kind of the
11 existing data and then what the feasibility study is on.
12 It's a little site.

13 So I believe those are the ones that may be in the
14 most --

15 NAVAL CO-CHAIRPERSON MORLEY: I thought that it
16 was something like 2, 4, and 11.

17 ADVISORY BOARD MEMBER RAMSEY: Well, then we have
18 2, 9, and 11 are the tidal area sites, but we decided that
19 that RI report is going to come out later, like March. We
20 talked about trying to have this, I had -- Marcus had been
21 installing the Navy, but we had these priorities so we
22 should try to move on on these big sites. Taylor Bridge
23 came up tonight, and we were talking about the other tidal
24 area sites, and trying to encourage to bring this up as soon
25 as possible.

1 But it's actually not going to be a report until
2 another -- The RAB won't see that, neither the agencies for
3 another several months, so --

4 NAVAL CO-CHAIRPERSON MORLEY: And then you said
5 site 22? You wanted to discuss the --

6 ADVISORY BOARD MEMBER RAMSEY: Site 22, they could
7 do -- what's on the sampling plan, or what's the work that's
8 going to be done. That's probably not a very complicated
9 presentation. You know, that's kind of -- could be part of
10 something else.

11 ADVISORY BOARD MEMBER RYAN: Can I make a
12 suggestion? Oh, go ahead.

13 ADVISORY BOARD MEMBER RAMSEY: AOC 1 was the last
14 where I think we'd talked about at some point we all need to
15 think about what should happen first here so that we're not
16 getting jammed up on things.

17 ADVISORY BOARD MEMBER RYAN: I just wanted to
18 mention that people who are giving presentations, please
19 keep in mind the time factor and sometimes that they get a
20 little bit long. And the degree of technicality might be
21 best discussed at a later meeting or on a sideboard, and so
22 they might want to try to keep them to 15 minutes or less to
23 accommodate the agenda. It's just a suggestion.

24 NAVAL CO-CHAIRPERSON MORLEY: And then did we want
25 to discuss the subcommittee for the rules of operation?

1 Does anybody have any suggestions for the next RAB?

2 ADVISORY BOARD MEMBER O'BRIEN: Well, is the
3 committee going to bring a new proposed set of bylaws?

4 NAVAL CO-CHAIRPERSON MORLEY: I think maybe if you
5 guys can get that done on the 28th, if you can hash
6 something out for the 4th, November 4th is the next RAB so
7 that would be a little over a week, about a week.

8 COMMUNITY CO-CHAIRPERSON O'CONNELL: Actually,
9 yeah, a little less.

10 ADVISORY BOARD MEMBER RYAN: Well, if we have two
11 weeks to give our written comments, and then the meeting is
12 after that, Marcus?

13 NAVAL CO-CHAIRPERSON MORLEY: We gave you until
14 the 21st, which is -- no, you're at two weeks.

15 ADVISORY BOARD MEMBER RYAN: What day did you set,
16 Marcus, or did you set a date exactly?

17 COMMUNITY CO-CHAIRPERSON O'CONNELL: October 28th.

18 ADVISORY BOARD MEMBER RYAN: We could change that
19 to one week, if that would --

20 COMMUNITY CO-CHAIRPERSON O'CONNELL: It is.
21 Well --

22 ADVISORY BOARD MEMBER RYAN: That's something you
23 might want to consider.

24 ADVISORY BOARD MEMBER FREITAS: It would make it
25 easier for me.

1 COMMUNITY CO-CHAIRPERSON O'CONNELL: I don't think
2 the Navy is going to be able to --

3 Gil, can the Navy review the bylaws by next week
4 and submit their comments?

5 ADVISORY BOARD MEMBER RIVERA: I'm sorry, by the
6 end of next week?

7 COMMUNITY CO-CHAIRPERSON O'CONNELL: Yeah. That's
8 pretty tight or not?

9 ADVISORY BOARD MEMBER RIVERA: That's very tight,
10 yeah. This week is pretty much gone for me.

11 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay. I
12 think we'd better leave it at two weeks.

13 ADVISORY BOARD MEMBER RIVERA: Okay.

14 NAVAL CO-CHAIRPERSON MORLEY: I'm sorry, two weeks
15 for --

16 COMMUNITY CO-CHAIRPERSON O'CONNELL: For the
17 comment period.

18 NAVAL CO-CHAIRPERSON MORLEY: Oh, okay. And then
19 also can you put we'll decide about the December meeting in
20 November. And we'll try to look for another room here. If
21 I remember correctly, though, when we came here, there is
22 this room, there is a small room that looks like a
23 courtroom, it has a big thing sticking --

24 MR. SMITH: It looks like a city council chamber
25 almost, yeah.

1 NAVAL CO-CHAIRPERSON MORLEY: Yeah, which I think
2 is too small. And then there's a huge room with a disco
3 ball --

4 (Laughter.)

5 NAVAL CO-CHAIRPERSON MORLEY: -- but that might
6 be a little bit too big. So unless you know of something
7 else on Bay Point, we might have to either go back to Clyde
8 or see if the other one has been remodeled.

9 ADVISORY BOARD MEMBER O'BRIEN: Well, I think that
10 room would be appropriate. It would be better than this.

11 NAVAL CO-CHAIRPERSON MORLEY: I think it might
12 echo more, actually.

13 ADVISORY BOARD MEMBER FREITAS: Well, that and it
14 might not be available.

15 NAVAL CO-CHAIRPERSON MORLEY: But we'll check.

16 MR. SMITH: You know, what we might want to do, I
17 might make a suggestion, as people are leaving, I'm not sure
18 which room you're talking about, but if people could just
19 poke their heads in as they're walking -- I mean, we're all
20 here right now, why not take a look at it.

21 NAVAL CO-CHAIRPERSON MORLEY: Let's do that.

22 COMMUNITY CO-CHAIRPERSON O'CONNELL: Okay, we're
23 adjourned.

24 (Thereupon, the October 7th, 2002 meeting of
25 the Restoration Advisory Board was concluded

1 at 9:50 p.m.)

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CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing Restoration Advisory Board meeting was recorded under my supervision, transcribed in typewriting, and thereafter personally proofread by me, James F. Peters, a Certified Shorthand Reporter of the State of California.

I further certify that I am not of counsel or attorney for any of the parties in this matter, nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this:

Date

JAMES F. PETERS, CSR, RPR

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